

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 11326 of 2017(O&M)

Date of Decision: May 23 , 2017.

Sanjay @ Sunny PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. M.K.Dogra, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.55 dated 04.07.2016 under Sections 354A(1),354B,376,506,452 IPC and Section 12 (now substituted with Section 6) of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women Kaithal, District Kaithal.

It is submitted that the petitioner has been falsely implicated in this case due to certain property disputes which have arisen between the petitioner, and the complainant as well as her family members. In fact the alleged victim while testifying before the learned trial court has clearly stated that the present petitioner has not committed any crime qua her. She has

refused to identify the petitioner as an accused. It is further submitted that she was pressurized to make the earlier statement before the police. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Balbir Singh, verifies that the victim has been declared hostile. She has not identified the present petitioner to be the perpetrator of the crime in question. Eight witnesses are yet to be examined. Petitioner, it is stated, is not involved in any other criminal case.

The petitioner is in custody since 09.07.2016. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the peculiar facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Sanjay @ Sunny is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 23 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No