

Criminal Misc. M- No. 11763 of 2017 (O&M)

Date of decision : July 07, 2017

Parveen

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 721 dated 06.07.2016 registered under Section 10 of Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Gurgaon, District Gurgaon.

It is submitted that the petitioner has been falsely implicated in this case due to a money dispute between the petitioner and the complainant's husband. No such incident as mentioned in the FIR ever took place. Furthermore, the complainant, her husband, as well as the victim are not coming forward to testify before the Court. The petitioner, it is submitted, is in custody since 06.07.2016. He is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from SI Rajesh verifies that the material witnesses i.e. the complainant as well as the victim have not deposed before the learned trial Court. It is submitted that they

could not be served for want of correct address. It transpires that despite various opportunities afforded to the prosecution, the complainant has not been served. She was not found available at the address provided in the challan/final report under Section 173 Cr.P.C. itself. It is further verified that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that 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. Trial in this case is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 07, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No