

Criminal Misc. M- No.12134 of 2017 (O&M)

Date of decision : May 09, 2017

Raj Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 141 dated 12.02.2017 registered under Section 346 IPC (later Section 346 IPC was deleted and Sections 328 and 363 IPC were added) at Police Station City Hisar.

It is submitted that the offence punishable under Section 346 IPC was deleted and the petitioner was proceeded against for the offence punishable under Sections 328 and 363 IPC. It is contended that the petitioner and the complainant's daughter were living together out of their own free will and volition. Furthermore, the complainant's daughter is admittedly major.

Learned counsel for the petitioner refers to the photographs (Annexure P-3) as well as affidavit dated 16.03.2015 (Annexure P-5) executed by the complainant's daughter. There is no medical evidence on record to prove the allegations under Section 328 IPC. Final report/challan under Section 173 Cr.P.C. has been presented. No recovery is to be effected

from the petitioner. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from ASI Dayanand verifies the correctness of Annexures P-3 to P-6 annexed with this petition. It is also not denied that the complainant's daughter is major, her date of birth being 04.05.1993. Final report under Section 173 Cr.P.C., in this case, has been presented. No recovery is to be effected from the petitioner. He is not involved in any other case.

The petitioner is in custody since 21.02.2017. 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. 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.

May 09, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No