

Criminal Misc. M- No. 13208 of 2017 (O&M)

Date of decision : August 03, 2017

Hardev alias Kuka

.....Petitioner

Versus

State of Haryana

....Respondent

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

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 480 dated 27.08.2015 registered under Sections 452, 354, 506 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station City Hodal, District Palwal.

It is submitted that the petitioner has been falsely implicated due to a quarrel which took place in the neighbourhood. A bare reading of the FIR, it is submitted, reveals the improbability of the alleged incident as it is revealed. There is an unexplained delay in the lodging of the FIR, which also casts suspicion on its veracity. The petitioner, it is submitted, is in custody since 03.02.2017. The complainant, in this case, has testified before the learned trial Court. Further incarceration of the petitioner, thus, is not justified. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Samay Singh affirms and verifies that the complainant, in this case, has since testified before the learned trial Court. 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 made clear that the petitioner shall not try to contact the complainant or victim in any manner - directly or indirectly. Any infraction on the part of the petitioner can entail cancellation of his bail.

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.

August 03, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No