

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

Criminal Misc. No.M- 14837 of 2017(O&M)

Date of Decision: May 23 , 2017.

Pawan Kumar @ Ladi

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.S.Barnala, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.22 dated 29.03.2016 under Sections 354D/365/511/34 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women, Kaithal, District Kaithal.

It is submitted that the co-accused Rakesh @ Sethi against whom similar allegations were raised in the FIR, has been granted bail pending trial by this Court on 07.04.2017 in CRM No.M-43904 of 2016. The allegations against the present petitioner are identical to the ones against the co-accused

Rakesh @ Sethi. Examination-in-chief of the victim was conducted on 24.10.2016. Thereafter she is not coming forward for cross-examination even though bailable-warrants were also issued by the learned trial court to secure her presence. Therefore, it is prayed that the present petition be also allowed.

Learned counsel for the State while opposing this petition submits that this is the petitioner's second application seeking bail pending trial. However, it is not denied that the first petition for bail pending trial was dismissed as withdrawn on 04.08.2016 and was not decided on merits. It is further not denied that the co-accused Rakesh @ Sethi has been afforded the concession of bail pending trial by this Court on 07.04.2017. Learned counsel for the State is unable to point out any distinction in the role attributed to the present petitioner and co-accused Rakesh @ Sethi. It is affirmed by learned counsel for the State, on instructions from SI Krishan Kumar, that the petitioner is not involved in any other criminal case.

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 facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Pawan Kumar @ Ladi 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.

The petitioner shall not directly or indirectly try to contact the victim or any of the prosecution witnesses.

May 23 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No