

CRM-M No. 1591 of 2017 (O&M)

Date of decision : March 01 2017

Ravi

.....Petitioner

Versus

State of Haryana

....Respondent

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

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 412 dated 21.07.2016 registered under Section 363, 366 (A), 34 IPC at Police Station Women Fatehabad, District Fatehabad.

It is submitted that the petitioner is the brother-in-law (Jija) of the prosecutrix. The said FIR has been lodged by the petitioner's father-in-law due to some misunderstanding. The prosecutrix, aged 17 years of age has clearly stated that she accompanied the present petitioner on her own. The prosecutrix refused to be medically examined on 27.07.2016. She has categorically stated that she was not forced to go anywhere. Learned counsel for the petitioner submits that in view of the relationship between the petitioner and the prosecutrix, it is unimaginable that the petitioner would try to kidnap or entice the prosecutrix from the lawful custody of her father. There is no dispute between the petitioner and his wife i.e. the sister of the prosecutrix and they have cordial relations. The petitioner is in custody since 28.07.2016. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Raj Swindra, Police Station City Fatehabad, verifies the factum of the statement made by the prosecutrix.

I have heard learned counsel for the parties.

The petitioner is in custody since 28.7.2016. It is not disputed that ten (10) prosecution witnesses are to be examined in this case. Statement made by the prosecutrix under Section 164 Cr.P.C. and her refusal to medical examination is not disputed. There is no averment by the State that the petitioner is likely to abscond and influence the witnesses, in case, he is released on bail. In view of the facts and circumstances of the case, further incarceration of the petitioner is not called for.

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 shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of 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.

March 01, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No