

Criminal Misc. M- No. 17956 of 2017 (O&M)

Date of decision : July 19, 2017

Vikas

.....Petitioner

Versus

State of Haryana

....Respondent

Criminal Misc. M- No.19448 of 2017 (O&M)

Annu @ Arun

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Subhash Godara, Advocate
for the petitioner(s).

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

This order shall dispose of two Criminal Misc. Nos. 17956 and 19448 of 2017.

The petitioners pray for bail pending trial in FIR No. 64 dated 10.11.2016 registered under Section 6 of Protection of Children from Sexual Offences Act, 2012 ('the Act' – for short), Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 376-D IPC at Police Station Women Kurukshetra.

It is submitted that the petitioners have been falsely implicated in this case. The complainant's elder daughter had friendly relations with the petitioner – Vikas. FIR No. 312 dated 08.09.2015 under Sections 323, 506

IPC was earlier registered against the petitioner – Vikas @ Aakash and

some of his other family members. The complainant's elder daughter suffered a statement (Annexure P-2) before the Delhi police to the effect that she had friendly relations with Vikas. She wished to solemnise marriage with him. However, she had not yet attained the age of 18. It is further stated by her that she did not wish to go back to his parents' house as they physically abused her. The statement of the father of the victim i.e. the complainant's husband (Annexure P-3) was also recorded by the Delhi police to the effect that his daughter had gone to Delhi out of her own accord. She was not subjected to any physical abuse.

It is further urged that a bare reading of the FIR shows that no offence is made out against the petitioners under Section 376-D IPC or Section 6 of the Act. Learned counsel for the petitioners informs that the complainant as well as the victim have since been examined before the learned trial Court. The petitioner - Annu @ Arun (in Criminal Misc. M- No. 19448 of 2017) is not involved in any other criminal case. The petitioner – Vikas (Criminal Misc. M- No. 17956 of 2017) is not involved in any other case except FIR No. 312 dated 08.09.2015 registered at the behest of the complainant's husband. The petitioners, it is submitted, have been in custody since November, 2016. It is, thus, prayed that both these petitions be allowed.

Learned counsel for the State, on instructions, from ASI Mukesh verifies the pendency of FIR No. 312 dated 08.09.2015 against the petitioner – Vikas. He is unable to deny the statements attached as Annexures P-2 and P-3 though it is submitted that the circumstances in which the statements are made, would needlessly be explained by the

persons suffering the same. It is verified that the complainant as well as the victim have since testified before the trial Court. A number of other prosecution witnesses are yet to be examined. Trial, in this case, is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioners are likely to abscond or that they are 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 petitioners 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 these petitions.

Consequently, the petitioners - Annu @ Arun (in Criminal Misc. M- No. 19448 of 2017) and Vikas (Criminal Misc. M- No. 17956 of 2017) be released on bail pending trial subject to their 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.

It is made clear that the petitioners shall not try to contact the complainant, the victim or any of their family members in any manner – directly or indirectly.

July 19, 2017
rts

(Lisa Gill)
Judge

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