

Criminal Misc. No. M- 19355 of 2017 (O&M)

Date of decision : September 11, 2017

Charanjeet

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 430 dated 13.10.2016 under Sections 363A, 366A, 376, 120B, 201 IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Khakhoda, District Sonapat.

It is submitted that the petitioner has not been named in the FIR or even in the statement of the victim recorded under Section 164 Cr.P.C. The petitioner has been inculpated merely on the disclosure statement of the co-accused. No identification parade whatsoever was conducted. Moreover, the victim i.e. the daughter of the complainant has since testified before the learned trial Court on 29.07.2017. She has not attributed any role to the present petitioner. It is, thus, prayed that this petition be allowed.

Certified copy of the statement of the victim PW1 produced in Court today is taken on record subject to just exceptions.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions, from HC Sandeep Singh, verifies the factual position as above. It is further affirmed that the petitioner is not involved in any other criminal case. The co-accused Abhishek is in custody. Trial in this case is not likely to conclude in the near future.

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 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.

September 11, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No