

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

Criminal Misc. No.M- 22703 of 2017(O&M)

Date of Decision: July 3 , 2017.

Mukesh PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Anu Garg, Advocate for
Mr. V.P.Sangwan, 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.21 dated 03.04.2016 under Sections 376(ii), 365, 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women, Bhiwani.

It is submitted that the victim in this case has since testified before the learned trial court on 26.04.2017. She has not supported the prosecution case. It is stated by the victim that the present petitioner never committed any

wrong with her and never blackmailed her in any manner. It is further stated that that she never moved any application against the accused nor recorded any statement before the police or the Advocate in this regard. It is submitted by learned counsel for the petitioner that the co-accused Rahul to whom a similar role is attributed, has been afforded the concession of bail pending trial by this Court in CRM No.M-7346 of 2017 on 23.05.2017. Earlier petition filed by the present petitioner was dismissed as withdrawn on 07.04.2017. Subsequently, the victim has testified before the learned trial court denying the involvement of the present petitioner in the commission of the offence. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Dharmali, Police Station Women, Bhiwani, verifies that the victim in this case has not supported the prosecution version. It is further verified that the petitioner is not involved in any other criminal case.

The petitioner is in custody since April, 2016. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this 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 Mukesh 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.

July 3 , 2017.
'om'

(LISA GILL)
JUDGE

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