

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-22833 of 2017(O&M)

Date of decision : 23.08.2017

Mamman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Abhinav Sood, Advocate
for the petitioner.

Mr.Sanjay K. Saini, AAG, Haryana.

LISA GILL,J(Oral)

Petitioner seeks the concession of bail pending trial in FIR No. 117, dated 03.07.2016, under Sections 120-B, 363, 366, 376D, 506 IPC and 25, 54, 59 of Arms Act, registered at Police Station Women Police Station Palwal, District Palwal.

It is submitted that the petitioner has been falsely implicated in this case only due to his relationship with the main accused i.e. Salim @ Gullah, who is the petitioner's son. Five out of the seven persons accused in the FIR, have been found innocent by the police during investigation. Allegations attracting the rigours of Section 376 IPC are not levelled against the present petitioner. Credibility of the victim in this case sought to be impeached on the ground that she earlier levelled allegations of outraging of her modesty against her own father-in-law. However, the matter was thereafter, compromised. The allegation raised against the petitioner is that he advised other co-accused to eliminate the victim after he came to know about the commission of the offence

punishable under Section 376 IPC. It is contended that the medical evidence does not reveal any injury on the person of the victim. The petitioner, it is submitted has been in custody since 07.05.2017. Challan in this case has already been presented. Charge stands framed. The petitioner's son Salim @ Gullah is in custody. Therefore, the petition be allowed.

I have heard learned counsel for the parties and have carefully gone through the file.

Learned State counsel, on instructions from ASI Mohinder Singh, Police Station Hathini, affirms that five out of seven persons accused in this case, have been found innocent. The allegations attracting the rigours of Section 376 IPC have been levelled against co-accused i.e. Salim @ Gullah, the petitioner's son. It is not denied that the victim raised allegation against her father-in-law and the matter was thereafter compromised. The said accused is in custody. It is further verified that the final report under Section 173 Cr.P.C has been filed. Charge against the petitioner and co-accused has been framed. The petitioner is not involved in any other criminal case.

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 bond 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 petitioner shall not in any manner tried to contact the victim or her family in any manner directly or indirectly. Any infraction in this regard, may entail cancellation of bail granted to him.

23.08.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No