

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

Criminal Misc. No.M- 22836 of 2017(O&M)

Date of Decision: October 13 , 2017.

Zile Singh PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Sanjay K.Saini, 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.

CRM No.28289 of 2017

Annexure P5 (Collectively) i.e., statements of PW1, PW2, PW3 and PW3 before the learned trial court are taken on record subject to just exceptions.

Filing of certified and true typed copies of the same are exempted.

Misc. application is disposed of.

CRM No.M-22836 of 2017

The petitioner prays for bail pending trial in FIR No.525 dated

27.11.2016 under Section 377 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Ganaur, District Sonipat.

It is submitted that the petitioner has been falsely implicated in this case due to political rivalry in the village. Moreover, the complainant (PW1) as well as the other material witnesses i.e., the eye-witness (PW2) and the complainant's wife (PW3) have since testified before the learned trial court. They have not supported the prosecution version. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Sunil Kumar, is unable to deny that the complainant as well as the material witnesses have not supported the prosecution case and have been declared hostile. It is verified that the petitioner, who is a 75 year old man, is not involved in any other criminal case.

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.

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 Zile Singh 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.

October 13 , 2017.
'om'

(**LISA GILL**)
JUDGE

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