

Criminal Misc. No. M- 23468 of 2017 (O&M)

Date of decision : September 14, 2017

Dharmender

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Amit Chaudhary, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 18 dated 28.03.2017 under Sections 120B, 376(2)N, 384, 450, 506 IPC (Section 354A(1) IPC added later on and Section 120B IPC has been deleted) registered at Women Police Station Fatehabad, District Fatehabad.

It is submitted that the petitioner has been falsely implicated in this case. The complainant/victim has not supported the prosecution case while deposing before the learned trial Court on 11.09.2017. It is, thus, prayed that this petition be allowed.

A photocopy of the statement of the complainant/victim produced in Court today is taken on record subject to just exceptions.

Learned counsel for the State, on instructions, from ASI Shakuntla does not deny that the complainant/victim has been declared hostile. It is verified that 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 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 14, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No