

CRM-M-23725-2017

Date of Decision : 25.08.2017

Balwinder

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, JUDGE (ORAL)

Petitioner prays for the concession of bail pending trial in FIR No.38 dated 27.03.2017 under Sections 363/366-A IPC registered at Police Station Sadar Kaithal, District Kaithal.

It is submitted that the petitioner has not been named in the FIR or in the statement of the victims under Section 164 Cr.P.C. The victims in this case, under Section 164 Cr.P.C., have stated that they left their house out of their own free will being fed up with their families. Moreover, the victims have since testified before the learned trial Court on 05.08.2017. No allegations, attracting the rigours of Sections 363/366-A IPC, have been levelled by them against the present petitioner. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

Certified copies of the statements of the victims produced in the Court today are taken on record subject to just exceptions.

Learned counsel for the State is unable to deny the factual

position as above. Learned counsel for the State, on instructions from ASI Satyawar, verifies that the petitioner is not involved in any other criminal 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. Trial in this case is not likely to conclude in near future.

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 the petitioner is allowed. 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 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.

(LISA GILL)
JUDGE

25.08.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No