

CRM-M-25094-2017

Date of Decision : 24.08.2017

Sumanpreet Singh

.....Petitioner

versus

State of Haryana

....Respondent

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

Mr. Himmat Singh, DAG, Haryana.

LISA GILL, JUDGE (ORAL)

Petitioner prays for the concession of bail pending trial in FIR No.62 dated 21.04.2017 under Sections 363, 366-A, 368, 376 IPC and Section 6 of POCSO Act registered at Police Station Sadar Sirsa.

It is contended that the petitioner has been falsely implicated in this case. He is not named in the FIR. As per the allegations of the prosecution, the motorcycle used by the co-accused-Sonu for taking away the victim in this case, belonged to the petitioner. The story of the prosecution that the petitioner, along with the co-accused-Sonu, took the victim to Sirsa and to house of another friend Vicky, is not borne out from the record. The victim in her statement under Section 164 Cr.P.C does not mention any of the said facts. The said averments are based solely on the disclosure statement of the co-accused-Sonu son of Surjit. Challan against

the petitioner has since been filed. He is ready and willing to face trial in the matter. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the petitioner has not been named in the FIR. As per the FIR, the co-accused-Sonu son of Surjit was seen along with the alleged victim when they were going to Sirsa on the motorcycle, by the complainant's sister-in-law-Ramandeep and one, Lakhbir.

It is verified, on instructions from ASI Rajbir Singh, that final report under Section 173 Cr.P.C. has since been presented in this case. Charge against the petitioner has been framed.

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 made clear that the petitioner shall not try to contact the victim or any of her family members directly or indirectly. Any infraction, in this regard, may entail cancellation of bail.

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

24.08.2017
Neha

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