

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

Criminal Misc. No.M- 27002 of 2016(O&M)

Date of Decision: May 18 , 2017.

Brahampal @ Dharampal PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sumit Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, 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.

The petitioner prays for bail pending trial in FIR No.36 dated 30.03.2016 under Sections 363/366A IPC and Section 16(iii) of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Line Paar, Bahadurgah, District Jhajjar.

It is submitted that the petitioner has been falsely implicated in this case. The alleged victim is, in fact, a major. As per the Adhaar Card (Annexure P4), her date of birth is 01.01.1996. Furthermore, the alleged victim in her statement (Annexure P3) under Section 164 Cr.P.C. stated that she accompanied

the petitioner out of her own free will and she stayed with her friend. It is stated that she did not want any action to be taken against the petitioner. It is submitted that the victim refused any medical examination to be conducted upon her and specifically stated that no force whatsoever was perpetrated upon her. It is thus prayed that the petitioner, who is not involved in any other case, be afforded the benefit of bail pending trial.

Learned counsel for the State, on instructions from ASI Jai Karan, verifies the statement under Section 164 Cr.P.C. of the alleged victim. It is further verified that medical examination of the victim was not carried out because she refused for the same. It is affirmed that the victim as well as her father i.e., the complainant, have since testified before the learned trial court. Another ten (10) prosecution witnesses are yet to be examined.

The petitioner is in custody since 03.05.2016. Trial in this case is not likely to conclude in the near future. It is not denied that the petitioner is not involved in any other criminal case. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this 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.

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 Brahampal @ Dharampal 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.

May 18 , 2017.
'om'

(LISA GILL)
JUDGE

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