

Criminal Misc. M- No. 26449 of 2017 (O&M)

Date of decision : August 18, 2017

Rani

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Mahender Singh Chahal, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 72 dated 10.05.2017 registered under Sections 323, 34, 354B, 506, 376 IPC at Police Station Bawani Khera, District Bhiwani.

It is submitted that the petitioner has been falsely implicated in this case. She is the real maternal aunt (Massi) of the complainant. Therefore, the allegations levelled against her are highly improbable. Moreover, the allegations attracting the rigours of Section 354B and 376 IPC are not made out against the present petitioner. The co-accused Maman against whom these allegations are levelled is in custody. It is further submitted that the complainant earlier lodged FIR No. 63 dated 10.02.2016 under Sections 376, 506 IPC at Police Station Gannaur, Sonapat against another person. Credibility of the complainant is, thus, extremely doubtful. Moreover, the challan, in this case, been filed. Charge has also been framed. The petitioner, it is stated, is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from SI Satpal Singh, verifies that final report under Section 173 Cr.P.C. has been presented and the charge against the petitioner has also been framed. It is not in dispute that the accused Maman is in custody.

There are no allegations on behalf of the State that petitioner is likely to abscond or that she 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 the near future.

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 her 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.

August 18, 2017
rts

(Lisa Gill)
Judge

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