

Criminal Misc. No. M-27754 of 2017 (O&M)

Date of decision : September 06, 2017

Sudhir

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ramesh Malik, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 592 dated 28.11.2016 registered under Sections 365, 376, 34 IPC at Police Station City Gohana, District Sonipat.

It is submitted that the petitioner has been falsely implicated in this case. The alleged victim in this case i.e. the complainant's wife has raised specific allegations against her own husband. CRM-M-25870 of 2017 was preferred by the said victim seeking protection of life and liberty at the hands of her husband and others. The said petition was disposed of by this Court on 20.07.2017 (Annexure P-5). Moreover, the victim in this case, it is submitted, has testified before the learned trial Court. She has not supported the prosecution version and has been declared hostile. Certified copy of the statement of the victim PW1 is taken on record subject to just exceptions. The petitioner, it is submitted, is in custody since 01.12.2016. 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 ASI Udey Singh, does not deny the passing of order dated 20.07.2017 and subsequent protection provided to the victim. He is also unable to deny the fact that the victim in this case has been declared hostile. She has not supported the prosecution version. Trial in this case is not likely to conclude in the near future.

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 06, 2017
rts

(Lisa Gill)
Judge

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