

**Criminal Misc. M- No. 27954 of 2017 (O&M)**

Date of decision : August 08, 2017

Satender

.....Petitioner

Versus

State of Haryana

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. Chanderhas Yadav, Advocate  
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

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**LISA GILL, J.**

The petitioner prays for bail pending trial in FIR No. 47 dated 21.03.2017 registered under Sections 323, 342, 363, 366A, 120B IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Women Jhajjar, Haryana.

It is submitted that the petitioner is one of the two persons, who are stated to have boarded the vehicle in question while taking a lift. They de-boarded the vehicle after crossing village Duma. Learned counsel for the petitioner argues that reliance of the prosecution on the factum of the vehicle belonging to the petitioner's father is not tenable as it is a matter of record that the said vehicle was borrowed by Chanderpal @ Chintu and he was driving the said vehicle. Moreover, no overt act has been attributed to the present petitioner at any point of time. The petitioner 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 ASI Mukesh Kumar, verifies that final report under Section 173 Cr.P.C. has been filed. Charge against the petitioner has been framed and he is not involved in any other criminal case. Learned counsel for the State is unable to deny that no overt act has been attributed to the petitioner. 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 bonds 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 08, 2017  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No