

Criminal Misc. No.M- 28278 of 2017 (O&M)

Date of decision : October 04, 2017

Sanjay

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Ms. Savita Rana, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 276 dated 23.05.2016 under Sections 506, 511 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 ('the Act' – for short) registered at Police Station Samalkha, District Panipat.

It is contended that the petitioner has been falsely implicated in this case. In fact, the complainant's daughter was playing in the street where the petitioner resides as well. Due to stones thrown by the complainant's daughter scratches were caused on the petitioner's motorcycle. Meanwhile, the minor child injured her finger on which the petitioner took the child to her mother and asked that she should be taught not to throw stones while playing, as somebody can get injured seriously. The complainant got enraged and lodged the present FIR against the petitioner in an absolutely illegal manner.

It is submitted that the petitioner is a Numberdar of the village,
a respectable person and has unnecessarily been involved in this case.

Moreover, the complainant has since testified before the learned trial Court.

No offence punishable under Sections 506, 511 IPC and Section 6 of the Act is made out against the petitioner. 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, verifies that the petitioner is the Numberdar of the village and is not involved in any other criminal case. The complainant, in this case, is affirmed to have testified before the learned trial Court.

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.

October 04, 2017
rts

(Lisa Gill)
Judge

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