

Criminal Misc. M- No. 28348 of 2017 (O&M)

Date of decision : August 09, 2017

Pardeep

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. B.S. Bairagi, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 797 dated 18.07.2016 registered under Sections 376, 342, 498A, 506, 120B IPC at Police Station Chandni Bagh, District Panipat.

It is submitted that the petitioner has been falsely implicated in this matter due to certain misunderstandings, which developed between the complainant and other family members. Moreover, the complainant/victim (PW1) and her real sister (PW2) have not supported the prosecution version while deposing before the learned trial Court on 15.07.2017. Copies of the statements of PW1 and PW2 are attached with this petition as Annexures P-1 and P-2. Both the said witnesses have been declared hostile. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny the fact that the complainant/victim as well as her sister have not supported the prosecution version and they have been declared hostile. It is verified that the petitioner is not involved in any other criminal case. He is in custody since 18.07.2016. 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 09, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No