

Criminal Misc. No. M- 30026 of 2017 (O&M)

Date of decision : October 13, 2017

Lachhman Singh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ravi Sodhi, Advocate for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

CRM-32927-2017

Prayer in the application is for placing on record the joint statement dated 24.07.2017 (Annexure P-1) of the petitioner and his wife recorded at first motion and statement of the victim under Section 164 Cr.P.C. (Annexure P-2). The same are taken on record, subject to just exceptions. Filing of true typed copies of the same is exempted.

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The petitioner prays for bail pending trial in FIR No. 137 dated 26.05.2017 under Sections 363, 366A IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act' – for short) registered at Police Station Sadar Dabwali.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the petitioner and the complainant's daughter had friendly relations. The petitioner, who is 23 years old, is seeking divorce from his wife. Petition under Section 13B of the Hindu Marriage Act, 1955 has been filed. Statements of the parties have been recorded at first motion. Learned

counsel for the petitioner argues that the victim in her statement under Section 164 Cr.P.C. (Annexure P-2) has not raised any allegations, which indicate the commission of offences punishable under Sections 363, 366A IPC and Section 3 of the Act. Moreover, final report under Section 173 Cr.P.C. has been presented. He 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 Raja Ram, verifies that the final report under Section 173 Cr.P.C. has since been presented. The petitioner is not involved in any other criminal case.

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. 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 his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is, however, clarified that the petitioner shall not try to contact the complainant or any of her family members in any manner - directly or indirectly. Any infraction on the part of the petitioner may entail cancellation of his bail.

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 13, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No