

Criminal Misc. M- No. 30030 of 2017 (O&M)

Date of decision : September 08, 2017

Parveen Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 23 dated 23.03.2017 under Sections 354-A(i), 354, 354-D, 506 IPC registered at Women Police Station Yamuna Nagar.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the petitioner had friendly relations with the elder sister of the complainant. This was not to the liking of the complainant's family due to which the petitioner has been falsely implicated in this case. He himself received a bullet injury on 21.03.2017. Reference is made to FIR No. 58 dated 24.03.2017 under Sections 307, 341 read with Section 34 IPC and Section 25 of Arms Act. It is submitted that the petitioner is wrongly being proceeded against for the offence under Sections 182, 195, 203, 211 IPC and Section 25 of Arms Act in the said matter. Moreover, the victim/complainant has already been examined before the learned trial Court. 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 Komal, verifies that the victim, in this case, has testified before the learned trial Court. The petitioner, it is verified, is not involved in any other case except as mentioned in foregoing paras. Eleven (11) prosecution witnesses are yet to be examined. 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, 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.

September 08, 2017
rts

(Lisa Gill)
Judge

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