

Criminal Misc. No. M- 30802 of 2017 (O&M)

Date of decision : September 14, 2017

Rakesh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Ranvir Singh Arya, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 127 dated 22.06.2017 under Sections 354, 323, 506, 452 IPC (Section 8 of Protection of Children from Sexual Offences Act, 2012 (for short – 'the Act') added later on) registered at Police Station Sanoli, District Panipat.

It is submitted that the petitioner has been falsely implicated in this case. An altercation had taken place between the petitioner and the complainant's husband on 16.06.2017. The matter was sorted out by the respectables of the village. The complainant's husband still held a grudge against the petitioner and an exchange of words again took place on 19.06.2017. Respectables of the village intervened again but the complainant's husband left in a huff while threatening to teach the petitioner a lesson. Present case was registered on 22.06.2017.

Learned counsel further submits that as per the averments in the FIR, no offence punishable under Section 8 of the Act is made out, neither is there any such allegation in the statement of the complainant's daughter

recorded under Section 164 Cr.P.C. It is at a much later stage on 30.06.2017 that the allegations attracting the provisions of Section 8 of the Act were raised. The petitioner is not involved in any other criminal case. Challan, in this case, already stands presented. 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 Satish Kumar, verifies that the final report under Section 173 Cr.P.C. has since been presented. It is further not denied that it is after the recording of the statement of the complainant's daughter on 30.06.2017 that Section 8 of the Act was added. The petitioner is not reported to be 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.

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 victim 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 14, 2017
rts

(Lisa Gill)
Judge

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