

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-30807 of 2017(O&M)

Date of decision : 02.11.2017

Banti

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. D.P.S.Bajwa, Advocate
for the petitioner.

Mr.Sanjay K. Saini, AAG, Haryana.

LISA GILL,J(Oral)

This is the petitioner's second application seeking the concession of bail pending trial in FIR No. 288, dated 24.10.2016, under Sections 341, 328, 365, 506, 120-B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, Police Station City Nirwana, District Jind. The first application for bail was dismissed as withdrawn on 02.06.2017 as the complainant/prosecutrix in this case had not yet been examined.

It is submitted that the petitioner has been falsely implicated in this case. There are in-fact no allegations attracting the rigours of Section 6 of the Protection of Children from Sexual Offences, Act, 2012 against the petitioner. The prosecutrix in this case has since been examined. She has stated before the learned trial Court that the petitioner did not violate her person. The said allegations are raised only against the co-accused-Surender. Reference is made to the certified copy of the

statement of the prosecutrix, which was placed on record on 10.10.2017.

It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny the above said statement of the prosecutrix before the learned trial Court. On instructions from ASI ASI Amarpal, Police Station City Narwana, it is verified that the petitioner is not involved in any other criminal case.

There is no allegation that the petitioner is likely to abscond or influence witnesses in any manner. He has been in custody since 07.01.2017. 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 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.

02.11.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No