

Criminal Misc. No. M- 31783 of 2017 (O&M)

Date of decision : September 05, 2017

Moin Khan @ Monu

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 13 dated 02.10.2015 registered under Sections 376 (2)(n), 363, 366, 506, 419, 420, 467, 468, 471, 120B IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 at Women Police Station Hisar, District Hisar.

It is contended that the petitioner was initially found innocent during investigation. He was placed in column No. 2 of the final report under Section 173 Cr.P.C. Thereafter, the prosecution in an astounding manner presented a supplementary challan against him. Moreover, similarly situated co-accused Rakmudeen was granted the concession of anticipatory bail by this Court on 04.05.2017 in CRM-M-43547 of 2015 (Annexure P-3). It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from ASI Sulekha, verifies the factual position as mentioned above. He is unable to deny that the petitioner is similarly placed as the co-accused Rakmudeen and there is no distinction in the role attributed to him. Co-accused Ahmad

Baksh @ Radhey Shyam has also been granted bail pending trial on 04.05.2017. It is further verified that 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.

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 05, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No