

Criminal Misc. M- No. 31839 of 2017 (O&M)

Date of decision : September 05, 2017

Bhim

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gaurav Tyagi, Advocate for
Mr. Ashok Tyagi, Advocae
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 262 dated 02.04.2017 under Sections 370, 370A, 372, 34 IPC; Sections 3, 4, 6 of Immoral Traffic Prevention Act, 1956 IPC; Section 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 23 and 26 of Juvenile Justice (Care and Protection of Children) Act, registered at Police Smodel Town, Panipat.

Learned counsel for the petitioner submits that the false implication of the petitioner is apparent from the record. The petitioner was not named in the FIR or in the statement of the victim under Section 164 Cr.P.C. His name has come up for the first time in the disclosure statement of the co-accused Aarti. There is no other evidence on record to connect the present petitioner with the offence in question. Similarly situated co-accused Meena, it is submitted, was afforded the concession of bail pending trial by this Court on 22.08.2017 in CRM-M-25578 of 2017. It is, thus,

prayed that this petition be allowed.

Learned counsel for the State, on instructions, from ASI Raj Bir, affirms the factual position as above. No other evidence apart from the disclosure statement of the co-accused Aarti has been pointed out against the petitioner. It is verified that similarly situated co-accused Meena has been afforded the concession of bail pending trial.

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. The petitioner is not reported to be involved in any other criminal case. Trial 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.

September 05, 2017
rts

(Lisa Gill)
Judge

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