

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

Criminal Misc. No.M- 32036 of 2017(O&M)

Date of Decision: November 22 , 2017.

Rakesh and another PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashish Pannu, Advocate
for the petitioners.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. Arun Singal, Advocate
for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.119 dated 08.06.2016 under Sections 365/323/342/506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Israna, District Panipat.

It is submitted that the petitioners have been summoned by the learned trial court to face trial as additional accused on an application under Section 319 Cr.P.C. They both were found innocent during investigation. Petitioner No.1 – Rakesh is stated to be serving the Indian Army. It is submitted that the victim in her statement under Section 164 Cr.P.C. recorded on 09.06.2016 did not raise any allegation against the present petitioners. It is only

in a subsequent application moved on 11.06.2016 that allegations against the present petitioners were raised. It is submitted that both the petitioners have appeared before the learned trial court pursuant to interim order passed by this Court. They undertake to face the proceedings, appear on each and every date fixed before the learned trial court and not abuse the concession of bail, if confirmed. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Ravinder Kumar, verifies that the petitioners have since appeared before the learned trial court. They are not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, interim bail afforded to the petitioners by the learned trial court be made absolute subject to their furnishing fresh bail bonds and surety to the satisfaction of the learned trial court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

November 22 , 2017.
'om'

(**LISA GILL**)
JUDGE

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