

Criminal Misc. No. M- 32685 of 2017 (O&M)

Date of decision : September 11, 2017

Rajender alias Fauji and anr.

.....Petitioners

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioners pray 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.

It is submitted that the petitioners were not named in the FIR or even in the statement of the victim under Section 164 Cr.P.C. recorded on 02.04.2017 (Annexure P-2). The petitioners' names have surfaced in the disclosure statement of the co-accused Aarti recorded on 12.04.2017 as well as the supplementary statement of the victim recorded on 11.04.2017. The petitioners, it is stated, are not involved in any other criminal case. The co-accused Bhim son of Som Nath and Meena have been afforded the concession of bail pending trial by this Court. 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 Rajbir Singh affirms the factual position as above. It is verified that the petitioners are not involved in any other criminal case. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that petitioners are likely to abscond or that they are 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 petitioners 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 petitioners be released on bail pending trial subject to their 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 11, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No