

Criminal Misc. No. M- 32861 of 2017 (O&M)

Date of decision : October 10, 2017

Sandeep

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Depanshu Matya, Advocate and
Mr. Yashdeep Nain, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 120 dated 03.05.2017 under Sections 363, 366, 366A, 365, 376D, 342, 120B IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Narnaund, District Hisar.

It is submitted that the petitioner has been falsely implicated in this case. The only role attributed to him, even as per the FIR, is handing over the key of the room where the alleged offence is stated to have taken place. Allegations of violation of the person of the victim have been raised against the co-accused Ankit (juvenile). The co-accused Deepak (non-applicant) has been attributed role of forcibly taking the victim along with Ankit on a bike. It is further submitted that the premises in question do not belong to the petitioner or any of his family members. The petitioner himself is a student pursuing his Graduation. Moreover, the prosecutrix, in this case, has since testified before the learned trial Court. It is, thus, prayed that this petition be allowed.

Certified copy of the statement of the victim is taken on record subject to just exceptions.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that allegation against the present petitioner is of providing the key of the premises as above. It is verified by learned counsel for the State, on instructions from ASI Rampal, that the said premises do not belong to the petitioner or any of his family members. The petitioner is not reported to be 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. 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.

October 10, 2017
rts/om

(Lisa Gill)
Judge

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