

**213-c IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. No.M- 33236 of 2017 (O&M)

Date of decision : September 20, 2017

Bijender

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Navneet Singh, Advocate
 for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 271 dated 13.11.2016 under Sections 302, 376A, 365, 201, 370, 120B IPC And Section 4 read with Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Baroda, District Sonipat.

It is submitted that the allegations against the petitioner are for destruction of evidence and disposal of the body in question. At best, the petitioner may be held liable for the offence punishable under Section 201 IPC. Moreover, the dead body, in this case, has not been recovered. The petitioner, it is submitted, is in custody since 30.11.2016. Similarly situated co-accused Rohtash (in CRM-M-22098-2017), Suresh (in CRM-M-19590-2017) and Ashish (in CRM-M-20464-2017) have been afforded the concession of bail pending trial by this Court vide order dated 22.06.2017, Annexure P-5 and orders dated 01.06.2017, Annexures P-3 and P-4. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the role attributed to the petitioner is similar to that of the other co-accused, who have been afforded the concession of bail. Learned counsel for the State, on instructions from ASI Kanwaljit Singh, informs that the petitioner is 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 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 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 20, 2017
rts

(Lisa Gill)
Judge

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