

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

Criminal Misc. No.M- 33326 of 2017(O&M)

Date of Decision: November 14 , 2017.

Sonu PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.270 dated 13.08.2016 under Sections 363/366A/376D IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Pundri, District Kaithal.

It is submitted that the petitioner has been falsely implicated in this case. The victim in her statement under Section 164 Cr.P.C. recorded on 13.08.2016 stated that she had gone to the fields out of her own accord. The present petitioner and one Sumit dropped her home, but she stayed at a temple

and came back home out of her free will. As per the FIR registered on the statement of the father of the victim, she is mentioned to have gone missing on the night intervening 12th and 13th August, 2016. It is mentioned that somebody informed him that his daughter left with the present petitioner and co-accused Sumit on a motorcycle. Learned counsel for the petitioner submits that after ten days of recording of the abovesaid statement under Section 164 Cr.P.C., the victim recorded another statement before the learned Judicial Magistrate First Class, Kaithal on 24.08.2016 raising allegations of rape against the petitioner as well as co-accused Sumit. It is further stated that the victim in this case refused to undergo medication examination when she was recovered by the police. She refused to go with her parents and therefore was sent to Bal Seva Asharm. It is further submitted that similarly situated co-accused Sumit has been granted the concession of bail pending trial on 28.08.2017 in CRM No.M-12381 of 2017. The petitioner claims the concession of bail on the ground of parity as well. The victim in this case, it is submitted, has testified before the learned trial court and the petitioner has been in custody since 24.08.2016. He is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that similarly situated co-accused Sumit has been afforded the concession of bail pending trial on 28.08.2017 in CRM No.M-12381 of 2017. It is verified, on instructions from ASI Jaipal, that the petitioner is not involved in any other criminal case and the prosecutrix/victim has since testified before the learned trial court.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is 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 filed by Sonu is allowed. 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 made clear that the petitioner shall not directly or indirectly try to contact the complainant/victim or any of her family members in any manner. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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 14 , 2017.
'om'

(**LISA GILL**)
JUDGE

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