

CRM-M No. 3473 of 2017 (O&M)

Date of decision : March 22, 2017

KALA @ PREET

.....Petitioner

Versus

STATE OF HARYANA

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Satinder Kumar Rana, Advocate
for the complainant.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 34 dated 07.11.2015 registered under Sections 363, 366 IPC (Sections 344, 212, 370 IPC added later on) at Police Station Women Kaithal, District Kaithal.

It is submitted that the petitioner is in custody since 22.01.2016. The co-accused of the petitioner namely Narvinder alias Soni was afforded the concession of bail pending trial by this Court on 20.12.2016 in CRM-M No. 39599 of 2016 (Annexure P-3) and Manpreet Kaur was granted bail on 11.07.2016 in CRM-M No. 17569 of 2016 (Annexure P-2). It is further submitted that the victim, in this case, has since deposed before the learned trial Court. The petitioner, it is urged, has been falsely implicated in this case. It is submitted that there is a delay in the lodging of the FIR. The alleged victim went missing from her home on

04.11.2015 whereas the report, in this case, was lodged on 07.11.2015. The above said FIR was registered at the behest of the husband of the victim. The victim recorded contradictory statements under Section 164 Cr.P.C. on two occasions after her recovery. In the first statement under Section 164 Cr.P.C., she has levelled allegations against her father-in-law and brother-in-law (*Jeth*) whereas in the subsequent statement under Section 164 Cr.P.C. she has offered a completely different version. It is not in dispute that the victim had refused medical examination after her recovery. The allegations are that the victim had been sold. In any case, she has testified before the learned trial Court. It is, thus, prayed that this petition be allowed.

This petition is opposed by learned counsel for the State as well as the complainant on the ground that there are serious allegations against the petitioner, which do not entitle him to the concession of bail. It is, however, not denied that the victim has since been examined. The co-accused Narvinder Singh alias Soni alongwith another have been granted the concession of bail pending trial by this Court. It is informed by learned counsel for the State, on instructions from ASI Balbir Singh, that out of thirteen (13) prosecution witnesses, six (6) have been examined. It is apparent that the trial, in this case, is not likely to conclude in the near future.

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 shall be released on bail pending trial subject to his furnishing requisite bail bonds

and surety bonds 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.

March 22, 2017		(Lisa Gill)
rts		Judge
Whether speaking/reasoned :		Yes
Whether reportable	:	Yes/No