

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

Crl. Misc. No. M-34957 of 2017

Date of Decision : October 06,2017

Shamsher SinghPetitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Gaurav Sethi, Advocate
for the complainant.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of bail pending trial in FIR No. 312 dated 21.11.2016 under Sections 363/366A/120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Mahesh Nagar, District Ambala.

It is submitted that the petitioner has been falsely implicated in this case. The victim in her statement under Section 164 Cr. P.C. (Annexure P3) stated that she left her house on 19.11.2016 out of her own accord. She herself called the petitioner who is her friend. They stayed at the shop of one Happy. She was left by the petitioner on the next day at 04:00 A.M. at the Bus Stand. The victim stated that she was fed up with her parents and left her house out of her own accord. She thereafter went to the Gurudwara

Military Area at Ambala Cantt. and thereafter proceeded to Rampur Chowk and finally to Nagla. It is stated that two boys met her and left her at Nagla. She thereafter again called the petitioner who arrived at that place. One Sachin, brother of the co-accused-Naveen (summoned on an application under Section 319 Cr.P.C.), saw her and brought her to the police. It is further submitted that while testifying before the learned trial Court the victim (PW6) raised allegations of violation of her person by Naveen son of Naresh Kumar who has now been summoned under Section 319 Cr.P.C. to face trial as an additional accused. The victim also raised allegations of violation of her person by the present petitioner before the learned trial Court for the first time. Co-accused Naveen has been afforded the concession of anticipatory bail in CRM-M-29057 of 2017. The petitioner, it is submitted, has been in custody since November 2016. He is not involved in any other criminal case. Therefore, this petition be allowed.

Learned counsel for the State is unable to deny the factual position as above specifically the statement of the victim under Section 164 Cr. P.C. before the learned trial Court. It is verified, on instructions from ASI Beryam Singh, Police Station Mahesh Nagar, District Ambala, that the petitioner is not involved in any other criminal case. He has been in custody since November 2016. There are no allegations 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.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

06.10.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No