

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

Criminal Misc. No.M- 35608 of 2017(O&M)

Date of Decision: December 7 , 2017.

Sonu @ Soni PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Savita Rana, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

CRM No.37994 of 2017

Prayer in this application is for preponement of the hearing of the
main case.

Heard.

No serious objection has been raised by learned counsel for the State
to the preponement of the hearing of this case.

In view of the arguments addressed as well as the stand of learned
counsel for the State, this application is allowed. Annexures P3 and P4 i.e., the
statements of PW4 and PW5 are taken on record subject to just exceptions.

With the consent of the parties, the main case is taken up for hearing
today.

Misc. Application is allowed.

CRM No.M-35608 of 2017

The petitioner prays for bail pending trial in FIR No.150 dated 13.02.2017 under Sections 363/366A IPC and Sections 4/18 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Karnal, District Karnal.

It is submitted that the petitioner has been falsely implicated in this case. The victim in this case was reported to be missing from her home since 11.02.2017. She was recovered from Ludhiana on 20.02.2017. Allegations have been levelled in the FIR that co-accused Sahil alongwith his mother and aunt had allured the victim. The present petitioner is the uncle (Chacha) of Sahil. It is submitted that the petitioner has needlessly been implicated in this case. Moreover, the complainant as well as the victim in this case have not supported the prosecution version while testifying before the learned trial court on 03.11.2017. The complainant (PW4) stated that no complaint was ever raised by her against the present accused. Her daughter returned home herself after ten days and she remained at the house of her elder sister. The victim (PW5) stated that she left home on her own without intimating her family members and stayed at the house of her sister. She returned home out of her own accord on 20.02.2017. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Ashok Kumar, is unable to deny that the victim and the complainant in this case have not supported the prosecution version. They have been declared hostile.

The effect or otherwise of the statements of PW4 and PW5 is

doubtlessly to be dealt with by the learned trial court on appreciation of the evidence which is ultimately led before it. No opinion thereon is being expressed. However, no ground is made out for further incarceration of the petitioner in the peculiar facts and circumstances of this case.

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 of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Sonu @ Soni 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 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.

December 7, 2017.
'om'

(LISA GILL)
JUDGE

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