

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

Criminal Misc. No.M- 35947 of 2017(O&M)

Date of Decision: September 29 , 2017.

Deepak PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amit Kumar Goyal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

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.0166 dated 09.07.2017 under Sections 323/34/354A/354D/452 IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Barauda, District Sonapat.

It is submitted that the petitioner has been falsely implicated in this case. Moreover, the victim/complainant in her statement (Annexure P2) under Section 164 Cr.P.C. has specifically stated that she named the present petitioner by mistake. Therefore, this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Dhanraj, verifies the statement of the victim/complainant recorded on 10.07.2017 wherein she stated that the present petitioner has been named by mistake. It is informed that final report under Section 173 Cr.P.C. in this case has been presented and charge against the petitioner has been framed.

The petitioner is not reported to be involved in any other criminal case. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer 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 in 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 Deepak is allowed. The petitioner shall 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.

September 29 , 2017.
'om'

(**LISA GILL**)
JUDGE

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