

CRM-M No. 37355 of 2016 (O&M)

Date of decision : January 17, 2017

Sanjeev Kumar @ Sanju

.....Petitioner

Versus

State of Haryana

....Respondent

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

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 62 dated 18.08.2016 registered under Sections 376, 342, 452, 506 Indian Penal Code (for short 'IPC') at Women Police Station Hisar.

The matter had been adjourned on 22.11.2016 so that the evidence of the prosecutrix could be recorded. Learned counsel for the petitioner submits that he has been falsely implicated. The petitioner is not guilty of the offence as charged. Furthermore, the prosecutrix, her sister as well as her mother have not supported the prosecution case. Their statements were recorded on 30.11.2016. Certified copies of their statements have been produced in Court today. The same are taken on record subject to just exceptions.

A perusal of the said statements reveal that none of these witnesses have supported the prosecution case. The prosecutrix has stated that she was living in her parental home in village Ghiri. She did not even know the present accused. He has not committed rape upon her.

Learned counsel for the State, on instructions from SI Sheela Devi, Police Station Women Cell, Hisar has also verified and affirmed the factum of the said witnesses not supporting the prosecution version.

Keeping in view the facts and circumstances but without expressing any opinion on the merits of the controversy, it is considered just and expedient to allow this petition. There are no allegations on behalf of the State that petitioner is likely to abscond, if released on bail.

Consequently, the petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of learned trial Court.

January 17, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No