

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

Criminal Misc. No.M- 36642 of 2017(O&M)

Date of Decision: November 1 , 2017.

Vicky PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.430 dated 13.10.2016 under Sections 120B/363A(1)/366A/376/201 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Kharkhoda, District Sonapat.

It is submitted that the petitioner during investigation was found innocent. He was summoned by the learned trial court to face trial as an additional accused on an application 319 Cr.P.C. The alleged victim was reported to be missing on 13.10.2016 since 12.10.2016. She was recovered on 30.12.2016 in the company of the co-accused Abhishek. The victim in her statement (Annexure P2) under Section 161 Cr.P.C. did not raise any allegations against the present petitioner. No allegation attracting the rigours of Section 376 IPC has been levelled qua the petitioner in her statement (Annexure P3)

under Section 164 Cr.P.C. or even while testifying before the learned trial court.

Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Sandeep Kumar, verifies that the petitioner was found innocent on investigation and has been subsequently summoned on an application under Section 319 Cr.P.C.

The petitioner, who is 19 year old, 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 Vicky 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.

November 1 , 2017.
'om'

(LISA GILL)
JUDGE

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