

Criminal Misc. M- No. 3689 of 2017 (O&M)

Date of decision : May 31, 2017

Nek Singh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gourav Jain, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 149 dated 08.07.2016 registered under Sections 376 (1), 506 IPC at Police Station Jakhal, District Fatehabad.

It is submitted that the petitioner, who is 70 years old, has been falsely implicated in this case only with a view to extort money. The petitioner and the victim/complainant belong to the same village. The complainant and her mother have since been examined before the learned trial Court. The victim/complainant (PW1) has admitted that she had earlier moved an application against one Mela Singh for outraging her modesty and the said application was withdrawn because her father received ₹20,000/- from Mela Singh. It is further admitted by PW1 – the victim, that a panchayat was convened in the village wherein her father had demanded a sum of ₹80,000/- from the family of the present petitioner. Photocopies of the statements of PW1 – the victim and PW2 – the mother of the victim produced in Court today are taken on record subject to just exceptions.

Learned counsel for the petitioner further submits that the

medical evidence clearly proves the falsity of the case against the petitioner.

As per medico legal report, no injuries – external or internal were found on the person of the victim. This clearly detracts from the version put forth in the FIR. It is, thus, prayed that this petition be allowed.

Learned counsel for the State is unable to deny the testimony of the victim as referred to above. It is further affirmed and verified, on instructions from ASI Subhash Chander, Police Station Jakhal, Fatehabad that a complaint at another Police Station was earlier submitted by the victim against one Mela Singh and the same was withdrawn. It is further not denied that as per the Medico Legal Report, no injuries were found on the person of the victim.

It is informed that (03) three out of (16) sixteen prosecution witnesses have been examined. The trial, in this case, is not likely to conclude in the near future. The petitioner, it is verified, is not involved in any other criminal case. He is admittedly 70 years old. The petitioner is in custody since 23.07.2016. There are no allegations on behalf of the State 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 bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

May 31, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No