

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

CRM-M-37460 of 2017(O&M)

Date of decision : 02.11.2017

Naseeb

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. B.S.Bhana, Advocate
for the petitioner.

Mr.Sanjay K. Saini, AAG, Haryana.

LISA GILL,J(Oral)

Petitioner seeks the concession of bail pending trial in FIR No. 268, dated 20.05.2017, under Sections 354-A, 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, Police Station City Sonipat, District Sonipat.

It is submitted that the petitioner has been falsely implicated in this case. The falsity thereof is apparent on a bare reading of the statement of the victim recorded under Section 164 Cr.P.C., (Annexure P-2). It is specifically stated by the victim that when she came out of the school bus, two boys were sitting there talking with each other. She disclosed this to her family members on reaching home. Later on, it came to the light that they were talking with each other and not to her. She further stated that she was in confusion. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny the said statement under Section 164 Cr.P.C. It is verified on instructions from ASI Hari Parkash, Police Station City Sonipat that final report under Section 173 Cr.P.C., in this case has been presented. Charge against the petitioner has since been framed. It is also verified that the petitioner is not involved in any other criminal case.

There is no allegation that the petitioner is likely to abscond or influence witnesses in any manner. Trial in this case is not likely to conclude in the near future. 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 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.

02.11.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No