

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

**Criminal Misc. No.M-37711 of 2017(O&M)
Date of Decision: November 27, 2017.**

Chanderpal @ Chintu

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.M.K.Tanwar, Advocate
for the petitioner.

Mr.Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 47 dated 21.03.2017, under Sections 323, 342, 363, 366-A, 120-B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Jhajjar, District Jhajjar.

It is submitted that the petitioner has no role to play in the commission of the offence, if any. The petitioner, it is submitted was hired as a driver by co-accused-Ajay when he went to visit the house of his real sister, who is admittedly married to the brother of the complainant in the present case. Learned counsel for the petitioner submits that co-accused-Ajay had friendly relations with the complainant and he often used to visit the complainant's house.

It is further submitted that the complainant had admittedly gone along with co-

accused out of her own accord. The petitioner was a mere driver. Reference is made to the statement of the complainant under Section 164 Cr.P.C., (Annexure P-1), wherein it is stated that the complainant accompanied her friend to bring a notebook from another classmate of theirs. They saw a vehicle parked on the way. Three boys out of whom two were named were present. The complainant was asked to sit in the car by her friend. Both of them boarded the vehicle. After travelling for two/three minutes, the vehicle was stopped. All the boys alongwith her friend deboarded the vehicle and asked her to sit there for a few minutes. The complainant was left alone in the vehicle for some time. The accused and her friend returned after some time. All the said persons had beer mixed with water. Two other persons had also taken a lift in the vehicle. They alighted from the vehicle. The complainant and her friend were dropped at the place from where they were picked. It is further stated that when the complainant and her friend came back, her friend's uncle had hit her on the head with the brick and he also hit the complainant on her back. Learned counsel for the petitioner submits that the petitioner is not attributed any overt act attracting the rigours of the offences as mentioned above. He is not involved in any other criminal case. The petitioner has been in custody since 28.03.2017. Challan in this case has since been presented. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Rajinder Kumar, verifies that final report under Section 173 Cr.P.C, has since been presented. Charge against the petitioner has been framed. Co-accused-Satender and Ajay (juvenile) have since been afforded the benefit of bail pending trial. It is verified that the petitioner is not involved in any other criminal 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 petitioner-Chanderpal @ Chintu, is allowed. 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 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.

It is made clear that the petitioner shall not attempt to contact the victim or any of family members directly or indirectly. Any infraction in this regard may entail cancellation of his bail.

27.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.