

Criminal Misc. M- No. 3872 of 2017 (O&M)

Date of decision : July 14, 2017

Shubham

.....Petitioner

Versus

State of Haryana

....Respondent

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

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 225 dated 30.06.2016 registered under Sections 363, 366, 376, 342, 493 IPC; Sections 3(1)(W) & 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Farakpur, District Yamuna Nagar.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the complainant and the petitioner were in a consensual relationship, if any. It is apparent from the reading of the FIR that the petitioner and the complainant were on friendly terms since the year 2014. The present FIR has been lodged on 30.06.2016. Therefore, the offences as alleged are not made out in any manner. Furthermore, the complainant as well as her mother have testified before the learned trial Court. The petitioner, it is submitted, is in custody since August, 2016. It is, thus, prayed that this petition be allowed.

Learned counsel for the State submits that specific allegations have been raised in the FIR against the petitioner. However, learned counsel is unable to deny that the petitioner and the alleged victim-complainant were known to each other since 2011. It is further verified, on instructions from ASI Somesh Pal, that the material witnesses in this case including the complainant and her mother have since testified before the learned trial Court. It is affirmed that the petitioner is not involved in any other criminal case.

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. 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 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.

July 14, 2017
rts

(Lisa Gill)
Judge

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