

Criminal Misc. M-40383-2016

Date of decision : January 12, 2017

SUKHRAJ SINGH @ RAJ

.....Petitioner

Versus

STATE OF HARYANA

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Vishal Garg, Additional AG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 236 dated 04.10.2014 registered under Sections 376(D)(N) and 506 Indian Penal Code (for short 'IPC') and 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Jakhal, District Fatehabad.

Learned senior counsel submits that the petitioner has been in custody since 21.10.2014. All the prosecution witnesses stand examined. The petitioner moved an application for being tried as a juvenile. This application was dismissed on 15.01.2015 (Annexure P-2). The said order dated 15.01.2015 is a subject matter of challenge in Criminal Revision No. 292 of 2015. This Court on 28.01.2015 in Criminal Revision No. 292 of 2015 has directed the learned trial Court not to pass the final order in the trial arising out of FIR No. 236 dated 04.10.2014 (Annexure P-3). Reference is also made to order dated 28.04.2016 passed by the learned Additional Sessions Judge, Fatehabad whereby the certificate recording the

date of birth of the petitioner as 02.02.1996 is stated to be proved by Munish Syal, Executive Assistant National Institute of Open Schooling, Regional Centre, YMCA complex, Sector 11C, Chandigarh. It is further submitted that there is a delay of nearly one year in lodging the FIR and the petitioner has been falsely implicated in this case. The petitioner is not involved in any other case. He undertakes to abide by any condition which may be imposed upon him. Therefore, he should be granted the concession of bail pending trial.

Learned counsel for the State, on instructions, from ASI Subhash Chander, Police Station Jakhal affirms that the prosecution evidence in this case has been concluded. This bail application is opposed on the ground that there are serious allegations against the petitioner, which do not entitle him to the concession of bail. It is, however, verified that the petitioner is not involved in any other criminal case.

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. 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. It is, however, made clear that in case the petitioner misuses this concession or is involved in any other case, the State is at liberty to file for cancellation of his bail.

Consequently, the petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of learned trial Court.

January 12, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No