

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

CRM-M-39587-2017

Date of Decision: October 30, 2017

Kuldeep Singh @ Kalu

.....Petitioner(s)

Versus

State of Haryana

....Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mahir Sood, Advocate
for the petitioner(s).

Mr. Sanjay K. Saini, A.A.G., Haryana.

LISA GILL, J.(ORAL)

The petitioner prays for bail pending trial in case FIR No.37 (Annexure P-1) dated 15.05.2017, registered under Sections 376(2)(n)/506 I.P.C. at Police Station Women Cell, Bhiwani, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this matter on a statement of the complainant, who is admittedly a 34 year old married lady with two children. Moreover, it is submitted that the complainant in this case has not supported the prosecution version while testifying before the learned trial Court on 09.10.2017. Petitioner is not involved in any other criminal case, therefore, it is prayed that this petition be allowed.

Learned counsel for the State on instructions from ASI Dharmali, verifies that the petitioner is not involved in any other criminal case. He is unable to deny that the complainant-prosecutrix has not

supported the prosecution version and has been declared hostile. Copy of her statement is annexed as Annexure P-3.

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. 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 him 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.

October 30, 2017

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(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No