

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

Criminal Misc. No. M- 39854 of 2017 (O&M)

Date of decision : December 11, 2017

Vikas @ Vikki

.....Petitioner

Versus

State of Haryana

....Respondent

Criminal Misc. No. M- 40097 of 2017 (O&M)

Rajnish

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ravinder Hooda, Advocate
for the petitioner.(CRM-M-39854 of 2017)

Mr. Ramesh Malik, Advocate
for the petitioner (in CRM-M-40097 of 2017)

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

This order shall dispose of CRM Nos. M-39854 and 40097 of 2017.

The petitioners in both the above said petitions pray for bail pending trial in FIR No. 166 dated 09.07.2017 under Sections 323, 354A, 354D, 452, 34 IPC and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Barauda, District Sonapat.

It is submitted that both the petitioners have been falsely implicated in this case. The complainant/victim has not even supported the prosecution version. Reference is made to her statement recorded before the

learned trial Court on 09.11.2017 wherein she has specifically stated that

both the petitioners as well as the co-accused Deepak never harassed or assaulted her in order to outrage her modesty. The victim's mother while deposing as PW2 has also not supported the prosecution version. It is submitted that the co-accused Deepak has been afforded the concession of bail pending trial by this Court in CRM-M-35947 of 2017. It is, thus, prayed that these petitions be allowed.

Certified copies of statements of PW1 - the victim and PW2 - her mother recorded before the learned trial Court on 09.11.2017 filed in Court today, are taken on record subject to just exceptions.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the victim/complainant, in this case, as well as her mother have not supported the prosecution version. Both the said witnesses have been declared hostile. It is verified, on instructions from ASI Shamsheer Singh, that the petitioners are not involved in any other criminal case. Ten (10) prosecution witnesses are yet to be examined. Trial, in this case, is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioners 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 these petitions.

Consequently, the petitioners be released on bail pending trial subject to their 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.

December 11, 2017

rts

(Lisa Gill)
Judge

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