

Criminal Misc. M- No. 40998 of 2016 (O&M)

Date of decision : April 03, 2017

Aakash

.....Petitioner

Versus

State of Haryana

....Respondent

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

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 218 dated 02.06.2016 registered under Sections 328, 342, 506, 201 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Pataudi, District Gurgaon.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. No recovery was effected to prove the complicity of the petitioner in the commission of the offences alleged against him. None of the messages on the application 'Whatsapp' were recovered. There is no evidence on record to prove that the petitioner circulated any photograph of the victim. The petitioner is in custody since 02.06.2016. He is not involved in any other case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Ashok Kumar, does not deny that the victim has since deposed before the learned trial Court. The petitioner is not involved in any other case. He has admittedly been in custody since 02.06.2016. The trial of this case is not likely to conclude in the near future.

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. No useful purpose shall be solved 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.

April 03, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No