

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

**Crl. Misc. No. M-40468 of 2017
Date of Decision : November 02, 2017**

Rakesh @ KalaPetitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Vikrant Pujara, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of bail pending trial in FIR No. 125 dated 03.04.2017 under Sections 376(D), 506 IPC registered at Police Station Murthal, District Sonapat.

It is submitted that the petitioner has been falsely implicated at the instance of the complainant who is in fact the petitioner's sister-in-law. The prosecutrix in this case has not supported the prosecution version while testifying before the learned trial Court. Reference is made to her statement recorded before the learned trial Court on 28.09.2017 (Annexure P2). The prosecutrix/complainant has specifically stated that the present petitioner is innocent and he is not guilty of any offence. The said witness has been declared hostile and subjected to cross-examination by the prosecution. The petitioner is not involved in any other case. Therefore, this petition be allowed.

Learned counsel for the State, on instructions, from SI Kuldeep Singh verifies that the petitioner is not involved in any other case. It is further informed that the prosecutrix in this case is residing at her parental home. There are no allegations 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 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 to the satisfaction of the learned trial Court.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

02.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No