

**Criminal Misc. M- No. 42451 of 2016 (O&M)**

Date of decision : March 20, 2017

Shyam Sunder

.....Petitioner

Versus

State of Haryana

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. Maharaj Kumar, Advocate  
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

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**LISA GILL, J.**

Prayer is for bail pending trial to the petitioner in FIR No. 94 dated 30.07.2016 registered under Section 354 (D)(ii) IPC and Section 3 (1)(ii) of the The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Women Karnal.

It is not in dispute that the complainant is not a minor girl of 13 years as mentioned in order dated 23.08.2016 passed by the learned Additional Sessions Judge, Karnal. She is in fact 30 years old. This fact is indicated in the FIR itself. Furthermore, it is not in dispute that the victim has been examined before the learned trial Court. The petitioner is in custody since 31.07.2016. He is not involved in any other case. No useful purpose shall be solved by keeping the petitioner incarcerated any longer. The trial is not likely to conclude in the near future as six of the witnesses are yet to be examined.

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. 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 shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds 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.

March 20, 2017  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No