

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-4164 of 2017
Date of Decision: 6.4.2017

Vikas

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. H.S.Sangha, Senior Advocate
with Mr. Rakesh Kumar Dhiman, Advocate
for the petitioner

Mr. Vikas Malik, DAG, Haryana

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 96 dated 25.9.2016 under Section 452 of the Indian Penal Code (in short "IPC") and Sections 7, 8 and 18 of the Protection of children from Sexual Offences Act, 2012 (in short "the Act"), registered at Police Station Woman, Yamuna Nagar.

Counsel for the petitioner has submitted that the prosecutrix improved upon her version given to the police by stating before the Court that the accused was lying upon her. She has further deposed that her mother and sister pulled the accused away and rescued her from his clutches. The sister and mother of the prosecutrix were examined on 22.3.2017 and they did not support the prosecution version and were declared hostile at the request of public prosecutor but nothing favourable to

the prosecution could be brought forth when they were put questions in the form of cross examination by the public prosecutor. It is further submitted that material witnesses in the case have already been examined, therefore, there is no possibility of the petitioner tampering with the prosecution evidence in case enlarged on bail. The last submission made by counsel is that conclusion of trial is likely to take its own time.

Counsel for the State has opposed the prayer for bail with the submission that in view of gravity of allegations against the petitioner, he may not be enlarged on bail.

I have heard counsel for the parties and perused the paper book

The petitioner is in custody since 25.9.2016; material witnesses in the case have already been examined; conclusion of the trial is likely to take its own time. There is no allegation that the petitioner is likely to flee from process of justice, in case enlarged on bail.

Without commenting upon merits of the controversy, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of the trial court. However, he shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of accordingly.

(Rekha Mittal)
Judge

6.4.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No