

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

Criminal Misc. No.M- 42283 of 2017(O&M)

Date of Decision: November 29 , 2017.

Sandeep Kumar

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjeev Kodan, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.290 dated 21.12.2015 under Sections 363/364A IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Kasola, District Rewari.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the petitioner and daughter of the complainant solemnized marriage. There is a child out of this wedlock. The victim in her statement under Section 164 Cr.P.C. admitted the factum of her marriage with the petitioner as well as birth of a child. The victim in this case, it is submitted, was initially lodged at Nari Niketan, Karnal. She has since deposed before the learned trial court. She has not supported the prosecution version. At present, she is living with the petitioner's mother. The petitioner is not involved in any other criminal case. It is

thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Rajesh Kumar, verifies that the victim in this case has not supported the prosecution version. She has admitted her marriage with the petitioner as well as the birth of a child out of this wedlock. It is further verified that the victim is presently living with the petitioner's mother alongwith the minor child.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the peculiar facts and circumstances of this case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Sandeep Kumar is allowed. 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.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

November 29 , 2017.
'om'

(LISA GILL)
JUDGE

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