

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

CRM-39244 of 2017 in/and

CRM-M-42334 of 2017

Date of Decision: December 19, 2017.

Deepak Vinayak

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Pawan Singh, Advocate
for the applicant-petitioner.

Mr.Ramesh Kumar, AAG, Haryana.

LISA GILL, J.
CRM-39244 of 2017.

This application has been filed for preponement of the hearing of the case from 11.01.2018.

Learned counsel for the State has not raised any serious objection.

Accordingly, this application is allowed. With the consent of learned counsel for the parties, the hearing of the matter is preponed from 11.01.2018 for today itself.

CRM-M-42334 of 2017.

Petitioner seeks the concession of bail pending trial in FIR No.127 dated 07.09.2017, under Sections 376, 328, 506 IPC, registered at Police Station Faridabad, District Faridabad.

It is submitted that the petitioner is not involved in any other criminal case. The petitioner has been falsely implicated in this case due to business rivalry with one Nishant. Moreover, the complainant/ prosecutrix, it is submitted has not supported the prosecution version while testifying before the learned trial Court on 30.11.2017. It is thus prayed that this petition be allowed.

Certified copy of the statement dated 30.11.2017 of the prosecutrix (PW-1) filed in Court today is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the complainant/prosecutrix, who is admittedly a major has specifically stated before the learned trial Court that the petitioner is not guilty of having committed any act without her consent. It is specifically denied that any intoxicant etc. was administered to her by the petitioner or that rape was committed by him. The petitioner is not reported to be involved in any other criminal 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 in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

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 petitioner-Deepak Vinayak, 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.

19.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.