

Criminal Misc. No. M- 43078 of 2017 (O&M)

Date of decision : November 21, 2017

Amar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sukesh K. Jindal, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 301 dated 23.07.2017 under Sections 365, 376 and 120B IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Civil Lines, Sonipat.

The complainant reported his daughter to be missing since 22.07.2017. The abovesaid FIR was initially registered under Section 365 IPC. The victim was recovered on 23.07.2017 itself from Zirakpur. Allegations of rape have been levelled by the victim against the co-accused Ashish. Specific allegations have been levelled against the co-accused Vipin and Ravi as well. All three of the above accused, it is submitted, are in custody.

Learned counsel for the petitioner while referring to the statement of the victim under Section 164Cr.P.C. (Annexure P-2) submits that the present petitioner is alleged to have arrived at the spot in the morning of 23.07.2017. No specific or overt role has been attributed to him.

It is merely mentioned that all the accused were talking to each other. 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 Sanjay Kumar, does not dispute the fact that no overt act has been attributed to the petitioner though it is submitted that he was involved in the illegal confinement of the victim.

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. The petitioner shall appear before the Investigating Officer on 23.11.2017 at 11.00 a.m. and thereafter, as and when directed by the Investigating Agency. He shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer/ Arresting officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

November 21, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No