

CRM-M No. 4321 of 2017 (O&M)

Date of decision : February 14, 2017

Fakir Chand

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 1173 dated 11.09.2016 registered under Sections 376-D and 506 IPC at Police Station City Panipat, District Panipat.

It is contended that the prosecutrix as well as her husband have not supported the prosecution version in any manner. Certified copies of the statement of the prosecutrix (PW1) and her husband (PW2) have been attached as Annexure P-1 with this petition. The prosecutrix has stated that she did not know the accused persons present in Court. She never visited the office of Tilak Raj as he was not known to her. The accused persons did not violate her. The husband of the prosecutrix has also stated that she did not know the accused persons present in Court and his wife was never violated by the said persons.

In this situation, it is submitted that the petitioner, who has been in custody since 11.09.2016, be afforded the concession of bail.

Learned counsel for the State opposes this petition while referring to statement of the prosecutrix under Section 164 Cr.P.C. whereby she had raised specific allegations against the petitioner and the co-accused. However, it is not denied that the prosecutrix and her husband have not supported the prosecution case while deposing before the learned trial Court.

I have heard learned counsel for the parties. The trial is not likely to conclude in the near future. The prosecutrix and her husband have deposed before the learned trial Court. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case 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.

February 14, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No