

Criminal Misc. M- No. 44761 of 2016 (O&M)

Date of decision : July 05, 2017

Sahid Khan

.....Petitioner

Versus

The State of Haryana

....Respondent

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

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. J.S. Hooda, Advocate
for the complainant.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 167 dated 14.07.2016 registered under Sections 363, 366 IPC at Police Station Hassanpur, District Palwal.

It is submitted that the petitioner and the alleged victim i.e. the complainant's daughter had solemnised marriage (Nikah) on 12.07.2016. Reference is made to the marriage certificate/Nikahnama (Annexure P-2). Furthermore, the victim as per her matriculation certificate was a major at the time of solemnisation of marriage. The averments that the victim had been administered some intoxicant substance and thereafter marriage was solemnised are absolutely incorrect and false. The petitioner and the victim lived together as husband and wife till 03.08.2016. Furthermore, the victim as well as the complainant in this case have already testified before the

learned trial Court. The petitioner is in custody since 03.08.2016. He is not involved in any other case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from ASI Tara Chand, Police Station Hassanpur, District Palwal verifies that the material witnesses in this case including the complainant and the victim have since been examined. The marriage certificate/Nikahnamma (Annexure P-2) is not denied. It is further affirmed and verified that the petitioner is not involved in any other criminal case. 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. No useful purpose shall, thus, be served by keeping the petitioner incarcerated any longer. 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.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 05, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No