

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

Criminal Misc. No.M- 44293 of 2017(O&M)

Date of Decision: November 29 , 2017.

Arun PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manvender Chauhan, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.268 dated 20.05.2017 under Sections 354A/34 IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sonapat, District Sonapat.

It is submitted that the petitioner has been falsely implicated in this case. The victim in her statement under Section 164 Cr.P.C. (Annexure P2) stated that when she alighted from the school bus, two boys were sitting there

talking with each other. She disclosed this to her family members on reaching home. Later on, it came to light that they were talking with each other not to her or about her and whatever she had stated earlier was in a state of confusion. It is further informed that the similarly situated co-accused Naseeb has been afforded the concession of bail pending trial by this Court on 02.11.2017 in CRM No.M-37460 of 2017 (Annexure P4). It is thus prayed that this petition be allowed.

Heard learned counsel for the parties

Learned counsel for the State is unable to deny the said statement under Section 164 Cr.P.C. suffered by the victim. The effect or otherwise thereof is doubtlessly to be dealt with by the learned trial court on appreciation of the evidence which is ultimately led before it. It is verified, on instructions from ASI Azaad Singh, that the final report under Section 173 Cr.P.C. in this case was present. Charge against the petitioner has since been framed.

The petitioner is not reported to be involved in any other criminal case. 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 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 Arun 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