

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

Criminal Misc. No.M- 45823 of 2017(O&M)

Date of Decision: December 8 , 2017.

Rohit PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Siddharth Sanwaria, DAG, 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.126 dated 15.03.2017 under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 341/506/34 IPC registered at Police Station City Tohana, District Fatehabad.

As per the allegations in the FIR, the petitioner caught hold of the victim's hand with sexual intent at the grocery shop on 11.03.2017. When the shopkeeper tried to stop him, the petitioner became furious, used abusive language, extended threat to kill and thereafter fled. The petitioner and his

brother are thereafter alleged to have come to the locality/residence of the victim and threatened to kidnap her.

It is submitted that the petitioner has been falsely implicated in this case. Learned counsel for the petitioner submits that absolutely baseless allegations have been levelled against the petitioner. It is further submitted that the complainant/victim as well as eye-witness have not supported the prosecution case. They have been declared hostile on 06.12.2017. It is prayed that this petition be allowed.

This matter was adjourned to enable learned counsel for the State to verify whether the victim as well as the eye-witness have not supported the prosecution version. Learned counsel for the State, on instructions from ASI Satyawa, Police Station City Tohana, verifies that the victim as well as the eye-witness have not supported the prosecution case. The petitioner is not reported to be involved in any other criminal case.

The effect or otherwise of the statements of the complainant/victim and the eye-witness is doubtlessly to be dealt with by the learned trial court on appreciation of the evidence which is ultimately led before it. No opinion thereon is being expressed. However, no useful purpose would be served by keeping the petitioner incarcerated any longer in the peculiar 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 of the case but without

commenting upon or expressing any opinion on the merits thereof, this petition filed by Rohit 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.

December 8, 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No