

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

Criminal Misc. No.M- 4749 of 2017(O&M)

Date of Decision: April 6 , 2017.

Balraj PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Shailender Singh Gill, Advocate
for the petitioner.

Mr. Anmol Malik, 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.300 dated 08.09.2016 under Section 354(A)(I) IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Pundri District Kaithal.

It is submitted that the petitioner has been falsely implicated in this case. Furthermore, the victim in this case i.e. PW1 as well as her parents i.e. PW2 (mother) and PW3 (father) have specifically stated before the trial

court that the present petitioner has not committed any offence. The victim has stated that the petitioner is not the person who committed the illegal act with her. PW2 i.e. victim's mother has also reiterated that the petitioner had not committed any such act with the child victim. PW3 father of the victim has also deposed on similar lines. All these witnesses have been declared hostile. Therefore, it is prayed that this petition be allowed. Copies of the statements of PW1, PW2 and PW3 recorded on 01.03.2017 produced in Court today are taken on record subject to just exceptions.

Learned counsel for the State, on instructions from HC Rajbir Singh, does not dispute the abovesaid factual matrix. He informs that five prosecution witnesses are left to be examined.

The petitioner is in custody since 09.09.2016. 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 in 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 Balraj is allowed. 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.

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.

April 6 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No