

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

**Criminal Misc. No. M-5073 of 2017
Date of Decision : February 23,2017**

Paras Alli @ Paras Ali..... Petitioner

VERSUS

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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?

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Present: Mr. K.L.Saini, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana,
for the State/respondent.

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LISA GILL, J. (Oral)

Prayer in this petition is for bail pending trial to the petitioner in FIR No. 42 dated 20.3.2016 under Sections 363, 366A IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bawani Khera, District Bhiwani (Haryana).

Learned counsel for the petitioner submits that the prosecutrix in her statement under Section 164 Cr.P.C. has stated that she was not enticed away by the present petitioner. Reference is made to the said

statement dated 02.04.2016 (Annexure P2). The prosecutrix has stated that she along with the petitioner went on 19.03.2016 to Delhi for a day and thereafter to Sirsa, Rewari and then to Ahmedabad. Thereafter they went to Ajmer and then went to Bhiwani. They were apprehended by the family members of the petitioner on 01.04.2016.

It is further submitted by learned counsel for the petitioner that after recording her statement the prosecutrix was sent to Nari Niketan as she apprehended danger at the hands of her own family members and did not want to live with them. It is informed that the prosecutrix (PW3) has been examined before the learned Trial Court. Two other persons have been named by her in her deposition before the Court. However, the prosecutrix has admitted that her statement under Section 164 Cr.P.C. before the Magistrate was suffered out of her own free will. An application has been moved under Section 319 Cr.P.C. for summoning the other two persons named by the prosecutrix before the learned Trial Court. The father of the prosecutrix has also been examined. It is, thus, prayed that this petition be allowed.

Learned counsel for the State has opposed this petition keeping in view the age of the prosecutrix and the specific allegations levelled by the prosecutrix in her deposition before the Court. It is, however, not denied that the prosecutrix and her father have already been examined. It is informed that seventeen (17) witnesses are yet to be examined in this case and the matter is fixed before the trial Court on 10.04.2017.

I have heard learned counsel for the parties. It is apparent that the trial in this case is likely to take a long time. In the facts and circumstances as noted above, no useful purpose would be served by

keeping the petitioner incarcerated any longer. There is no allegation 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.

In view of the above but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, the petitioner-Paras Alli @ Paras Ali shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate.

23.2.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No