

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

Criminal Misc. No.M- 7151 of 2017(O&M)

Date of Decision: April 3 , 2017.

Ganesh PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arun Yadav, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.16 dated 04.01.2017 under Sections 354/354B/506 IPC (Sections 376/511 IPC were added later) registered at Police Station City Gurgaon, District Gurgaon.

As per the allegations in the FIR the victim had gone to meet her friend who lives on the same premises as the petitioner. It is stated that the petitioner was earlier known to the victim. She went to his room on his beckoning. The petitioner bolted the door and tried to violate her person. It is submitted that the petitioner has been falsely implicated in this case. The petitioner was a tenant on the premises owned by the uncle of the complainant. There were a number of other tenants living in the same area. Therefore, it is not possible that such an incident could have taken place at 5.45 p.m. Therefore,

this petition be allowed.

Learned counsel for the State, on instructions from SI Satpal Malik, submits that the final report under Section 173 Cr.P.C. has been presented in this case. It is not denied that there are other rooms adjacent to the place of occurrence. No recovery is to be effected from the petitioner. The petitioner is in custody since 03.01.2017. He is not involved in any other case. 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 Ganesh 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 3, 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No