

Criminal Misc. M- No. 7482 of 2017 (O&M)

Date of decision : July 26, 2017

Sandeep

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Harvinder Singh Maan, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Balraj Singh Dhull, Advocate
for the complainant.

LISA GILL, J.

CRM No. 17974 of 2017

Learned counsel for the applicant/petitioner seeks to withdraw
this application.

Dismissed as withdrawn.

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The petitioner prays for bail pending trial in FIR No. 135 dated
04.08.2016 registered under Section 376 and 506 IPC at Police Station
Rajound, District Fatehabad.

It is submitted that the petitioner has been falsely implicated in
this case because admittedly a tubewell was installed in the fields of the
complainant and her husband by the petitioner and one Karan Singh. The

complainant and her husband did not pay the entire amount due in respect to the tubewell. It is on this account that the petitioner has been falsely implicated. The incident in question is alleged to have taken place in May 2016 but the complaint is moved on 04.08.2016. There is no explanation for the said delay. It is further submitted that the averments in the FIR are highly improbable. Moreover, the victim/complainant has since testified before the trial Court. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition. However, it is not denied by learned counsel for the complainant as well as learned counsel for the State that the complainant has since testified before the learned trial Court. The factum of the installation of tubewell by one Karan Singh is mentioned in the FIR itself. Seven (7) out of thirteen (13) prosecution witnesses are yet to be examined. It is verified that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that 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. Trial in this case is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner 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 reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 26, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No