

Criminal Misc. M- No. 785 of 2017 (O&M)

Date of decision : April 28, 2017

Shoran

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sunny Bhardwaj, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer in this petition is for bail pending trial to the petitioner in FIR No. 99 dated 19.10.2016 registered under Section 354 (A)(1), 506, 34 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Women Bhiwani, District Bhiwani.

It is submitted that the petitioner has been falsely implicated due to personal enmity between the parties emanating from party faction in the village. The FIR in question, it is submitted, was registered after one month of the alleged incident at Police Station Bhiwani and not at the local police station. Furthermore, the co-accused, in this case, namely Hardeep has been acquitted on 30.03.2017. The role of the present petitioner is similar to that of Hardeep. Hardeep being a juvenile was tried separately before the Juvenile Justice Board, Bhiwani. A photocopy of judgment dated 30.03.2017 is produced in Court today. The same is taken on record subject to just exceptions.

It is submitted that the victim, in this case, has been examined. It is noted in judgment dated 30.03.2017 that the victim has admitted a letter written by her to the effect that she has made statements before the police under pressure of her father and grandfather because they had come to know about her conversations with the child in conflict. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Subhash Chander, informs that the victim in this case has since been examined. Judgment dated 30.03.2017 passed by the Principal Magistrate, Juvenile Justice Board, Bhiwani is also not denied. The petitioner is admittedly not involved in any other case. Further incarceration of the petitioner in the given circumstances is not made out. 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.

April 28, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No