

Criminal Misc. M- 8334 No. of 2017 (O&M)

Date of decision : March 16, 2017

Kuljeet

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajat Gautam, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 425 dated 03.06.2008 registered under Sections 363, 366, 328, 376 (G), 506 IPC and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, at Police Station Sadar, Hisar.

It is submitted that the petitioner has been falsely implicated in this case. The other four co-accused persons, in this case, were found innocent during investigation. The petitioner was under a bona fide impression that he was also found innocent. Therefore, he never appeared before the investigating agency and in fact was never called upon by the investigating agency at any point of time. It is at a much later stage, he realised that he has been declared to be a proclaimed offender on 18.04.2009. When he came to know about these facts, the petitioner, who had ever since been residing at his village in District Hisar, surrendered on

06.12.2016. The complainant, in this case, is stated to be happily married. Reference is made to an alleged settlement (Annexure P-2). It is further submitted that the FSL report in this case is negative. No injuries - external and internal, were found present on the person of the prosecutrix/victim. The petitioner undertakes that he would face trial and would be present on each and every date fixed before the learned trial Court and not misuse the concession of bail if granted to him. Thus, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Bhim Singh, Police Station Sadar Hisar verifies that the four co-accused in the abovesaid FIR were found innocent during investigation. The FSL report and absence of injuries on the prosecutrix is also verified. It is further verified that the victim/prosecutrix, in this case, is married and is living at her matrimonial home.

There are no allegations on behalf of the State that petitioner is likely to abscond or dissuade the witnesses from deposing true facts before the Court, if released on bail.

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 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.

(Lisa Gill)
Judge

March 16, 2017
rts

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