

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

CRM No. M-8867 of 2017

Date of decision: 21.03.2017

Deepak

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Malik, Advocate, for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 593 dated 27.10.2016 registered under Sections 323,376 and 506 of the Indian Penal Code (for short 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act (for short ' POCSO Act') at Police Station City Sonapat.

It is submitted that the petitioner was not named in the FIR. Report has been lodged against one unknown person. No test identification parade was carried out. Furthermore, the victim has refused to identify the petitioner as the person who had taken her away in the car and violated her person. Reference is made to her statement attached as Annexure P-1 with this petition. The victim's mother i.e. the complainant has also not supported the prosecution version. It is thus, prayed that this application be allowed.

Learned counsel for the State on instructions from ASI Ranbir Singh submits that the petitioner was nominated in this FIR on the basis of a CCTV footage reflecting a car belonging to the petitioner. It is, however, not denied that the victim as well as the complainant have not supported the prosecution version. The petitioner is not involved in any other case. It is

also not in dispute that out of 17 prosecution witnesses, only 02 have since been examined.

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.

From the facts and circumstance of the case, it is apparent that the trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer. Therefore, without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial in case FIR No. 593 dated 27.10.2016, registered under Sections 323,376 and 506 of the IPC and Section 6 of the POCSO Act at Police Station City Sonapat subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

None of the observations in this order shall be construed to be a reflection on the merits of the case and shall have no bearing on the trial.

(LISA GILL)
JUDGE

21.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*