

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

**Criminal Misc. No.M-10853-2018
Date of Decision: May 02, 2018.**

KALA PETITIONER
Versus

STATE OF HARYANA RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhilaksh Grover, Advocate, for the petitioner.
Mr. Ramesh Kumar Ambavta, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.139 dated 20.11.2017, registered under Sections 342, 366, 376-D, 506 of IPC, Police Station Jathlana, District Yamuna Nagar.

It is submitted that the petitioner has been falsely implicated in this case being the uncle of Amjad with whom the prosecutrix solemnized marriage. It is contended that the falsity of the prosecution version is apparent from the fact that prosecutrix (PW-1) aged 20 years did not support the prosecution case while deposing before the learned trial Court on 01.05.2018 and has been declared hostile. The prosecutrix stated that she solemnized marriage with Amjad as per Muslim rites and ceremonies on 27.04.2018. The present petitioner is stated to be the real uncle of Amjad. Prosecutrix clearly stated that the petitioner has not committed any offence qua her.

The petitioner, it is submitted, is not involved in any other criminal

case and he undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Photocopy of the statement of PW-1/prosecutrix furnished in Court today, is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from SI Suresh Kumar, verifies that PW1/prosecutrix has not supported the prosecution case and has been declared hostile. The petitioner is not reported to be involved in any other criminal case except another case which was registered at the instance of the prosecutrix herself.

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 before the Court, if released on bail. 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 in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety 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.

02.05.2018
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[LISA GILL]
Judge

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