

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

Criminal Misc. No.M- 11650 of 2018(O&M)

Date of Decision: May 31 , 2018.

Anil Dahiya

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.548 dated 22.09.2017 under Sections 376/506/216 IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

It is submitted that the petitioner has been falsely implicated in this case. Relationship, if any, between the petitioner and the prosecutrix was entirely consensual. Learned senior counsel argues that this is borne out from the testimony of the prosecutrix before the learned trial court on 30.05.2018. It is submitted that the prosecutrix has been declared hostile. The petitioner, it is submitted, is not involved in any other criminal case and 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 suffered by the prosecutrix before the learned trial court, produced in Court today, is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the prosecutrix in this case has been declared hostile. She has not supported the prosecution version. The petitioner is not reported to be involved in any other criminal case. No useful purpose would be served by keeping the petitioner incarcerated any longer in the peculiar facts and circumstances of this case.

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.

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.

May 31 , 2018.
'om'

(LISA GILL)
JUDGE

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