

Criminal Misc. No. M- 15681 of 2018 (O&M)

Date of decision : May 01, 2018

Ram Kishan

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. N.S. Shekhawat, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 702 dated 26.10.2017 under Sections 342, 376(2)(n), 506, 363, 366A, 120B IPC and Section 10 of Prohibition of Child Marriage Act, 2006 registered at Police Station Bhiwani City, Bhiwani.

It is submitted that the petitioner has been needlessly implicated in this case due to acrimonious relations between the complainant and her mother at that time. The complainant while deposing as PW11 before the learned trial Court on 22.03.2018 has not supported the prosecution version. Her statement is attached as Annexure P-7 with this petition. The victim/prosecutrix specifically stated that present petitioner did not commit any offence qua her. The prosecutrix was, accordingly, declared hostile. PW12 - brother of the prosecutrix, PW13 – father of the prosecutrix and PW14 – daughter of the prosecutrix have not supported the prosecution case either. Copies of the statements of PW12, PW13 and PW14 are attached with this petition as Annexures P-8 to P-10, respectively. In this view of the matter, it is submitted that the petitioner, who is not involved in any other criminal case, be afforded the concession of bail pending trial.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the complainant, prosecution and other material witnesses have not supported the prosecution case. On instructions, from ASI Rajesh, it is verified that the petitioner is not involved in any other criminal case. The petitioner has been in custody since 11.12.2017. Five prosecution witnesses are yet to be examined. Trial, in this case, is not likely to conclude in the near future.

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.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. 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 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.

May 01, 2018
rts

(Lisa Gill)
Judge

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