

Criminal Misc. No. M- 16368 of 2018 (O&M)

Date of decision : May 10, 2018

Anil

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 334 dated 03.09.2017 under Sections 365, 376, 506 IPC registered at Police Station Madlauda, District Panipat.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The prosecutrix was admittedly 22 years old. She accompanied the petitioner out of her own free will and remained with him for a number of days. It is further submitted that the prosecutrix has since deposed before the learned trial Court. Though she has raised allegations against the petitioner in the examination-in-chief, it is admitted by the prosecutrix in her cross examination that she was in touch with the petitioner since the year 2014. She had intimate relations with him since then. It is further admitted by her that she accompanied the petitioner on 02.09.2017 at about 5.00 p.m. on a motor cycle while taking two dresses alongwith her. She stayed with the petitioner at various places. No hue and cry was raised by her, which clearly negates the element of force. Moreover,

the alleged victim initially refused medical examination on 07.09.2017 but thereafter it was conducted. It is, thus, prayed that the relationship, if any, between the parties was entirely consensual. It is, therefore, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State while opposing this petition submits that specific allegations have been raised by the victim against the petitioner. However, it is not denied that the victim has since testified before the trial Court. Copy of her cross examination is attached as Annexure P-3 with this petition. A complete copy of the testimony of the victim produced in Court today is taken on record subject to just exceptions. On instructions from ASI Manoj, it is verified that the petitioner is not involved in any other criminal case. Needless to say appreciation of evidence and the alleged contradictions, as pointed out by learned counsel for the petitioner, are in the domain of learned trial Court and no opinion is being expressed thereon.

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. Trial, in this case, is not likely to conclude in the near future. 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 10, 2018
rts

(Lisa Gill)
Judge

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