

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

Criminal Misc. No.M-17346-2018 (O&M)

Date of Decision: May 11, 2018.

PREM SINGH

..... PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sushil Jain, 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.252 dated 15.06.2017, under Sections 376, 506 of IPC, registered at Police Station City Gohana, District Sonipat.

It is submitted that the petitioner has been falsely implicated in this case by the complainant, who was a tenant in the premises owned by the petitioner. The incident complained of allegedly took place in January 2015 whereas, the FIR, was registered after an unexplained delay on 15.06.2017. It is further submitted that no specific detail regarding transfer of Rs.80,000/- to the petitioner is mentioned. Moreover, the complainant/prosecutrix, it is argued is not

coming forward to depose before the learned trial Court despite issuance of bailable warrants to secure her presence.

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.

Learned counsel for the State, on instructions from ASI Dal Singh verifies that bailable warrants had indeed been issued to secure the presence of the complainant for 07.05.2018. However, the complainant still did not appear before the learned trial Court for recording of her statement. Learned counsel for the State is unable to point out, at this stage, anything on record to indicate the mode of transfer of Rs.80,000/- to the petitioner. The petitioner, who has been in custody since 30.07.2017, is not reported to be involved in any other criminal case of similar nature.

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 made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in

this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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 11, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No