

Criminal Misc. No. M- 18561 of 2018 (O&M)

Date of decision : May 08, 2018

Sunil

.....Petitioner

Versus

State of Haryana

....Respondent

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 426 dated 28.12.2017 under Sections 328, 34, 370A, 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Jind.

It is submitted that the petitioner has been falsely implicated. There is no evidence on record to implicate the petitioner. As per the allegations in the FIR, the victim was allured in the month of August, 2017 by Vikas (victim's brother), and his friends Kamal and Surender. She was forcibly married to one Ramesh Yadav on 13.08.2017. It is the co-accused Ramesh Yadav, who told her that he had purchased her from Vikas, Kamal and Surender through the present petitioner and one Sokhiya. It is vehemently argued that there is no evidence on record except the said bald allegation against the petitioner. No overt act has been attributed to the petitioner. Moreover, it is highly improbable that, in case, the victim had gone missing in August, 2017, the same was not even reported by her uncle

till the registration of the present FIR on 28.12.2017. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to point out any other evidence incriminating the petitioner at this stage. On instructions, from ASI Subhash Chander, it is confirmed that final report under Section 173 Cr.P.C. has since been presented. The petitioner is not involved in any other criminal case. 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 08, 2018
rts

(Lisa Gill)
Judge

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