

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

**Criminal Misc. No.M- 1876 of 2018(O&M)**

**Date of Decision: January 23 , 2018.**

Deepak ..... PETITIONER (s)

**Versus**

State of Haryana ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Vinod Kumar Sharma, Advocate  
for the petitioner.

Mr. Ashok S.Chaudhary, Addl.AG, Haryana.

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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?

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**LISA GILL, J.**

The petitioner prays for bail pending trial in FIR No.245 dated 09.07.2017, under Sections 376/511 IPC and Section 18 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Pundri, District Kaithal.

It is submitted that the petitioner has been falsely implicated in this case. The complainant (PW1) i.e., the mother of the alleged victim as well as the victim's father (PW2) have not supported the prosecution case while deposing

before the learned trial court on 07.11.2017. Reference is made to their statements attached with this petition as Annexures P4 and P5. It is further submitted that the child victim has not been found to be a competent witness to depose before the learned trial court. The medical evidence also does not support the prosecution case in any manner. The petitioner, it is submitted, is not involved in any other criminal case. The petitioner 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 Jai Bhagwan, is unable to deny that the complainant as well as her husband i.e., the parents of the victim have not supported the prosecution version. The petitioner, it is verified, is not involved in any other criminal case. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present 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 filed by Deepak 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.

January 23 , 2018.  
'om'

( LISA GILL )  
JUDGE

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