

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

Criminal Misc. No.M-23030-2018

Date of Decision: June 01, 2018.

AJAY

..... PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. P.S. Sullar, 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.

This is a second petition filed on behalf of the petitioner seeking bail pending trial in FIR No.368 dated 27.07.2017 under Sections 376, 341, 506 IPC registered at Police Station City Gohana, District Sonipat. The first petition it is informed was dismissed as withdrawn as the prosecutrix was yet to be examined.

It is submitted that the petitioner has been falsely implicated in this case. This fact is cemented by the depositions of the prosecutrix and her husband. Both of them have not supported the prosecution case and have been declared hostile. Their testimonies are attached as Annexure P-2 and P-3, respectively. The petitioner, it is submitted, is not involved in any other criminal case and has been in custody since the month of July, 2017. 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 is unable to deny that the prosecutrix and her husband have indeed not supported the prosecution case. They have been declared hostile.

However, learned counsel for the State, on instructions from ASI Uday Singh, verifies that the petitioner is not reported to be involved in any other criminal case. He is in custody since July, 2017. 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 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.

June 01, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No