

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

Criminal Misc. No.M-22926-2017 (O&M)

Date of Decision: June 01, 2018.

GAURAV

..... PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Gahlawat, 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.44 dated 10.02.2017, under Sections 341, 354, 506 of IPC (Section 376 IPC, added later on), registered at Police Station Narwana, District Jind.

It is submitted that the petitioner, who is 22 years old had friendly relations with the alleged victim i.e. the daughter of the complainant. Though the prosecutrix in her examination-in-chief supported the prosecution version she clearly admitted in the cross-examination that she had friendly relations with the petitioner. The prosecutrix admitted that letters were exchanged between them and they had intimate relations. Victim specifically stated that she knew the

petitioner since childhood and he never misbehaved or committed rape upon her. Both of them wanted to solemnize marriage against the wishes of their parents. Statement of the victim is attached as Annexure P-17 of this petition. The petitioner, it is submitted, is not involved in any other criminal case and has been in custody since 28.02.2017. 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 submits that though the prosecutrix has undoubtedly not supported the prosecution case in her cross-examination but specific allegations were raised by her in the examination-in-chief. Be that as it may, appreciation of the evidence on record is in the domain of the learned trial court. The effect or otherwise of the prosecutrix taking a divergent stand shall be appreciated by the learned trial court at the appropriate stage. No opinion is being expressed thereon.

Learned counsel for the State, on instructions from ASI Amarpal, verifies that the petitioner, who is 22 years old is not reported to be involved in any other criminal case. He is in custody since 28.02.2017. 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