

Criminal Misc. No. M- 24524 of 2018 (O&M)

Date of decision : June 06, 2018

Mohd. Wasid Khan

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr.Surender Singh Pannu, DAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 320 dated 09.11.2017 under Section 326-A IPC registered at Police Station Pinjore, Tehsil Kalka, District Panchkula.

It is submitted that the petitioner has been falsely implicated in this case. This fact is cemented by the factum of the victim not identifying the petitioner while appearing before the learned trial Court. Learned counsel for the petitioner refers to the statement of the victim (PW2) attached as Annexure P-2 wherein she has specifically stated that she could not identify the person who attacked her neither she could tell the name of the assailant. It is submitted that the petitioner 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.

I have heard learned counsel for the parties.

Learned counsel for the State while opposing this petition submits that the victim had duly named the petitioner in her statement under

Section 164 Cr.P.C. Be that as it may, appreciation of evidence is in the

domain of the learned trial Court. The effect or otherwise of the variant/discrepant statements of the victim shall be taken into consideration by the learned trial Court at an appropriate stage. On instructions from HC Narender Singh, learned counsel for the State verifies that 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/Duty Magistrate.

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.

June 06, 2018
rts

(Lisa Gill)
Judge

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