

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

Crl. Misc. No. M-33849 of 2017

Date of Decision : January 19, 2018

Prithi Singh @ Sukkar.....Petitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Shakti Kaushik, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

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LISA GILL, J. (Oral)

Petitioner seeks the concession of bail pending trial in FIR No. 142 dated 25.07.2017 under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Radaur, District Yamuna Nagar.

It is submitted that the petitioner has been falsely implicated in this case. The version given in the FIR, statement of prosecutrix under Section 164 Cr.P.C. as well as her statement before the learned trial Court are at variance with each other. The complainant and the victim in this case have since testified before the learned trial Court. The petitioner, it is submitted, has been in custody since July 2017 and is not involved in any other criminal case. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI

Mohakam Singh, Police Station Radaur, District Yamuna Nagar, verifies that the complainant as well as the victim have testified before the learned trial Court. It is also verified that the petitioner is not involved in any other criminal case. He has been in custody since July 2017. There are no allegations that the 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. Trial of the case is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case 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.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

It is made clear that the petitioner shall not attempt to contact the victim or any of her family members directly or indirectly. Infraction in this regard may entail cancellation of his bail.

19.01.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No