

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

Criminal Misc. No.M- 34548 of 2017(O&M)

Date of Decision: January 12 , 2018.

Sharukh PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Ashok S.Chaudhary, Addl.AG, 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.24 dated 06.04.2017 under Sections 328/376D/506 IPC, registered at Police Station Women, Panipat.

It is submitted that the petitioner, who is admittedly a minor, has been falsely implicated in this case. No offence is made out against the petitioner. The complainant in this case was major and the aforesaid FIR was registered due to undue influence exerted upon her. Moreover, the

complainant/victim in this case while deposing before the learned trial court on 06.01.2018 has not supported the prosecution case. She specifically stated that she left her home on 19.03.2017 out of her own accord. The complainant has denied the present petitioner to have committed rape upon her at any point of time or administered any intoxicant to her. Prosecutrix/complainant has been declared hostile. The petitioner aged about 17 years, it is stated, is not involved in any other criminal case. It is thus prayed that this petition be allowed.

The certified copy of the statement of the complainant/prosecutrix (PW1) recorded before the learned trial court, produced in Court today, is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the complainant in this case has not supported the prosecution case. She has specifically denied that the petitioner ever committed rape upon her or administered intoxicant to her. Learned counsel for the State, on instructions from ASI Sangeeta, verifies that the petitioner 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 Sharukh 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 12 , 2018.
'om'

(LISA GILL)
JUDGE

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