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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.436 of 2018
Date of Decision: January 15, 2018

Dhillu alias Kuldeep

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana
for respondent No.1-State.

LISA GILL J. (ORAL)

The petitioner seeks the concession of bail pending trial in FIR No.106 dated 06.07.2017, under Sections 342, 376, 506 IPC and Section 4 of POCSO Act, registered at Police Station Satnali, District Mahendergarh, Haryana.

It is submitted that the present FIR appears to be registered on some mis-conception. As per the FIR, the complainant (father of the victim) stated that his daughter was found missing on the intervening night of 05/06.07.2017. They tried to search her out but she could not be traced. She was found in front of her house at 4.00 a.m. on 06.07.2017. Allegations of rape being committed by the petitioner were raised and the abovesaid FIR was registered. Statement of the victim was recorded under Section 164 Cr.P.C.

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Learned counsel for the petitioner submits that the victim as well as the complainant have not supported the prosecution case while testifying before the learned trial Court. Reference is made to the statement of the victim-PW1 and the complainant-PW2 (Annexure P-4). It is specifically denied by the said witnesses that any illegal act was committed by the petitioner. It is thus prayed that this petition be allowed.

Learned counsel for the respondent-State is unable to deny that the victim as well as the complainant have not supported the prosecution case. On instructions from HC Sunil Kumar, it is verified 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 facts and circumstances of this case. 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 Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Dhillu alias Kuldeep 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/Duty Magistrate.

(LISA GILL)
JUDGE

January 15, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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