

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

**Crl. Misc. No. M-44599 of 2017 (O&M)
Date of Decision : January 29, 2018**

SachinPetitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Ranvir Singh Arya, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

...

LISA GILL, J. (Oral)

CRM-1492 OF 2018

Statements of PW1 and PW2, Annexures P-4 and P-5 are taken
on record subject to just exceptions.

Application is disposed of.

CRM-M-44599 OF 2017

Petitioner seeks the concession of bail pending trial in FIR No.
109 dated 26.01.2017 under Sections 376 and 506 IPC registered at Police
Station City Panipat, District Panipat.

It is submitted that the petitioner has been falsely implicated in
this case. The prosecutrix as well as her mother have not supported the
prosecution case while testifying before the learned trial Court on

18.12.2017. Reference is made to their statements attached as Annexures P4 and P5. The prosecutrix has not identified the petitioner as the accused. It is specifically stated by the prosecutrix that the present petitioner had never met her or committed rape upon her. It is, thus, prayed that this petition be allowed.

Learned counsel for the State is unable to deny the factum of the prosecutrix and her mother not supporting the prosecution version. Both the said witnesses were declared hostile. It is verified by learned counsel for the State, on instructions from SI Gayatri Devi that the petitioner is not involved in any other criminal 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 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.

(LISA GILL)
JUDGE

29.01.2018
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Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No