

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

Criminal Misc. No.M- 4678 of 2018(O&M)

Date of Decision: February 20 , 2018.

Nisar Ahmed

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, 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.49 dated 16.05.2016 under Sections 365/376D/506 IPC (Section 376D IPC added subsequently), registered at Police Station WPS Mewat, District Nuh.

It is submitted that the petitioner has been falsely implicated in this case. There is an unexplained delay of about eleven (11) days in lodging of the FIR. The alleged occurrence took place on 05.05.2016 whereas, the abovesaid FIR was registered on 16.05.2016. Moreover, the prosecutrix (PW1) has deposed before the learned trial court and she has not supported the prosecution version.

Insofar as the present petitioner is concerned, the prosecutrix (PW1) has specifically stated that he had no hand in kidnapping her neither had he committed rape upon her. The prosecutrix (PW1) has levelled allegations against co-accused Imran and Rahul. The petitioner, it is submitted, is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Photocopy of statement dated 22.01.2018 of the prosecutrix (PW1) suffered before the learned trial court, produced in Court today, is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from HC Sunil, is unable to deny the abovesaid statement of the prosecutrix, wherein she has not raised any allegation against the present petitioner. The petitioner, who has been in custody since 16.07.2016, is not reported to be involved in any other criminal case. Trial in this case is not likely to conclude in the near future. 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 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 made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses

in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

February 20 , 2018.
'om'

**(LISA GILL)
JUDGE**

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