

Criminal Misc. No. M- 45913 of 2017 (O&M)

Date of decision : March 27, 2018

Tejo @ Mamta @ Manjit Kaur and anotherPetitioners

Versus

State of HaryanaRespondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Ms. Manjeet Kaur, Advocate for
Ms. Amandeep Kaur Dhiman, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 398 dated 25.07.2017 under Sections 3, 4, 5, 6 of Immoral Traffic Prevention Act, 1956 and Sections 376D, 120B IPC registered at Police Station Pehowa, District Kurukshetra.

Petitioner No. 1 is the mother-in-law and petitioner No. 2 is the sister-in-law of the complainant. It is submitted that the allegations against both the petitioners are incorrect. Moreover, the prosecutrix has not supported the prosecution case while appearing before the learned trial Court on 09.03.2018. The petitioners, it is submitted, are not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Certified copy of testimony of the prosecutrix recorded before the learned trial Court on 09.03.2018, filed in Court today, is taken on record subject to just exceptions. The prosecutrix has denied that she ever made any complaint to the police raising the allegations as are contained in the FIR.

Learned counsel for the State is unable to deny that the prosecutrix, in this case, has not supported the prosecution case. On instructions from SI Ranbir Singh, it is verified that none of the petitioners are involved in any other criminal case. They have been in custody since 26.07.2017. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioners incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

March 27, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No