

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

Criminal Misc. No.M-46424 of 2017(O&M)

Date of Decision: April 16, 2018.

Vipin @ Bhandari

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.K.D.S.Hooda, Advocate
for Mr. Surender Saini, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.301 dated 23.07.2017, under Sections 365, 376, 120-B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Civil Lines Sonipat.

It is contended that the victim was reported to be missing since 22.07.2017. The FIR was initially registered under Section 365 IPC. The victim was recovered on 23.07.2017 from Zirakpur. In her statement under Section 161 and 164 Cr.P.C., the victim has raised specific allegations of rape against the co-accused Ashish, who is in custody. Petitioner-Vipin @ Bhandari is stated to be younger brother of Ashish. It is contended that no overt act except the alleged illegal confinement of the victim has been alleged qua Vipin @ Bhandari. The petitioner, it is stated has been in custody since 24.07.2017 and is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to dispute the fact that no

allegations attracting the rigours of Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, have been raised against petitioner-Vipin @ Bhandari, though it is submitted that the said room in which the victim was confined had been rented by the present petitioner. Final report under Section 173 Cr.P.C., has since been presented and charge against the petitioner framed. It is verified on instructions from SI Devender that the petitioner is not involved in any other criminal 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. 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 facts and circumstances of this case.

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 Vipin @ Bhandari, 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.

16.04.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.