

Criminal Misc. No. M- 48205 of 2017 (O&M)

Date of decision : February 02, 2018

Sweety

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Manoj Makkar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 0161 dated 23.04.2017 under Sections 363, 366A, 376, 328, 120B IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar, Rohtak.

It is submitted that the petitioner has been falsely implicated in this case. She is in fact an Aunt (Chachi) of the alleged victim. Learned counsel for the petitioner argues that the petitioner was not named as an accused in the FIR. The victim is reported to have gone missing on the intervening night of 22/23.04.2017. The alleged victim came back on her own on 30.04.2017. In her statement under Section 164 Cr.P.C. recorded on 30.04.2017 the victim stated that she had gone out of her own accord to Manali. Thereafter, in a subsequent statement under Section 164 Cr.P.C. recorded on 17.05.2017 allegations were raised against the present petitioner as having

facilitated the co-accused Manjeet to have abducted her. It is further submitted that while the petitioner was in custody, another FIR No. 525 dated 07.11.2017 was registered by the present complainant (uncle of the prosecutrix) under Sections 363, 366A IPC against the co-accused Manjeet alleging that the victim, in this case, went missing from her home on the intervening night of 06/07.11.2017. The petitioner, it is stated, is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions, from ASI Rajender Singh, verifies the factum of the statement under Section 164 Cr.P.C. recorded on 30.04.2017 and thereafter on 17.05.2017 as well as registration of FIR No. 525 dated 07.11.2017. Final report under Section 173 Cr.P.C. has been filed. The petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioner is likely to abscond or that she is 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 petitioner 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 petitioner be released on bail pending trial subject to her 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.

February 02, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No