

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

Crl. Misc. No. M-496 of 2018

Date of Decision : January 22, 2018

Rinku @ Rohit.....Petitioner

Versus

State of Haryana.....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

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LISA GILL, J. (Oral)

Petitioner seeks the concession of bail pending trial in FIR No. 726 dated 11.11.2016 under Sections 323, 376 (2) (n), 354, 506, 34 IPC registered at Police Station Samalkha District Panipat.

It is submitted that the petitioner has been falsely implicated in this case. The victim/prosecutrix (PW1) in this case has not identified the petitioner as an accused. Reference is made to her statement recorded before the learned trial Court on 15.11.2017 (Annexure P3) wherein the victim has specifically stated that the present petitioner Rinku @ Rohit son of Late Bijender is not the accused who had committed rape upon her. He is not reported to be involved in any other criminal case. The petitioner has been in custody since 02.01.2017. The co-accused Rohit has been afforded the concession of bail by this Court on 22.08.2017 in CRM-M-25348 of 2017 (Annexure P2). Therefore, this petition be allowed.

Learned counsel for the State, on instructions, from HC

Yudsthir, verifies that the petitioner is not involved in any other criminal case. He has been in custody since 02.01.2017. 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.

22.01.2018

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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No