

Criminal Misc. No. M- 5272 of 2018 (O&M)

Date of decision : February 16, 2018

Ankit Sharma

.....Petitioner

Versus

State of Haryana

....Respondent

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

This is the second petition of the petitioner seeking bail pending trial in FIR No. 135 dated 14.04.2017 under Sections 376, 120B, 506 IPC registered at Police Station Kundli, District Sonipat.

It is submitted that the first petition was withdrawn on 03.10.2017. Thereafter, the complainant as well as the prosecutrix have been examined before the learned trial Court. Both of them have not supported the prosecution case and have been declared hostile. Photocopy of statement of the complainant (PW1) is attached as Annexure P-2 and of the prosecutrix (PW2) as Annexure P-3. PW1 has stated that he did not move any complaint before the police and the petitioner is not guilty of any offence. The prosecutrix (PW2) has specifically stated that the petitioner did not commit rape on her. 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 SI Naresh, verifies that the complainant and the prosecutrix have indeed not supported

the prosecution case. It is verified that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that 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.

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 his 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 16, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No