

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

Criminal Misc. No.M- 6369 of 2018(O&M)

Date of Decision: February 21 , 2018.

Ashik Ansari

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Anil Ghanghas, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.75 dated 28.02.2017 under Sections 363/366A/376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sadar Dadri, District Charkhi Dadri.

It is submitted that the petitioner has been falsely implicated in the abovesaid FIR which was registered on 28.02.2017 in respect to the alleged occurrence which took place on 25.05.2015. The alleged victim in this case in her statement under Section 164 Cr.P.C. recorded on 08.03.2017 specifically stated that she solemnized marriage with the petitioner out of her own accord on

26.05.2015 and thereafter, she had resided with him at various places. Even as of

now, it is submitted, the victim is living with the parents of the petitioner. Moreover, the complainant (PW7), mother of the victim (PW8) and the prosecutrix (PW9) have not supported the prosecution version. Their statements are attached with this petition as Annexure P1 (Collectively). The petitioner, it is submitted, 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 deny that the complainant, his wife and the prosecutrix have not supported the prosecution version. All the said witnesses have been declared hostile. Learned counsel for the State, on instructions from SI Prem Singh, verifies 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.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition 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.

February 21, 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No