

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

**Criminal Misc. No.M-7180 of 2018(O&M)
Date of Decision: February 23, 2018.**

Vinod @ Billu

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Raghav Goel, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.637 dated 27.10.2017, under Sections 312, 376(2)(n) IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

It is submitted that the petitioner has been falsely implicated at the instance of the complainant who is a mature person. Her second marriage was solemnized with one Babban and she has two children from the said wedlock. It is vehemently contended that the relationship, if any, between the parties was entirely consensual. No offence punishable under Sections 312, 376 (2)(n) IPC, is made out against the petitioners. There is no medical evidence on record to indicate any offence punishable under Section 312 IPC. It is further submitted that the final report under Section 173 Cr.P.C., in this case has been submitted. The petitioner is not involved in any other criminal case. The petitioner, who is

aged only about 25 years undertakes to face the proceedings. It is thus prayed that this petition be allowed.

Learned counsel for the State, is unable to deny that the complainant was married and having two children out of said wedlock. No evidence has been pointed out, at this stage, to indicate the offence punishable under Section 312 IPC. On instructions from SI Jai Bhagwan, it is verified that the petitioner is not involved in any other criminal case. It is confirmed that final report under Section 173 Cr.P.C., has since been presented.

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 Vinod @ Billu, 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.

23.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.