

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

Criminal Misc. No.M-8160 of 2018(O&M)

Date of Decision: April 18, 2018.

Sunny @ Jony

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

Mr. Ramesh K. Ambavta, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.441 dated 16.08.2017, under Sections 363, 366-A IPC, registered at Police Station Gannaur, District Sonapat.

It is contended that the petitioner has been falsely implicated in this case. The alleged victim in her statement under Section 164 Cr.P.C., has not raised any specific allegation against the petitioner. Moreover, the complainant (PW-1) has not supported the prosecution case while deposing before the learned trial Court on 12.03.2018. PW-2-Anil, the uncle of the victim has also not supported the prosecution case. Both the said witnesses stated that the present petitioner had not taken away the victim. It is thus prayed that this petition be allowed.

Certified copies of the statement of the complainant-PW-1 and uncle of the victim (PW-2) furnished in Court today, are taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the complainant

has not supported the prosecution case. Statement of the victim under Section 164 Cr.P.C., is not in dispute. It is verified by learned counsel for the State, on instructions from ASI Surender Singh that the petitioner is not involved in any other criminal case.

Needless to say, the effect or otherwise of the complainant and the other witnesses not supporting the prosecution case shall be considered by the learned trial Court, at the appropriate stage. No opinion is being expressed thereon.

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 Sunny @ Jony, 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.

18.04.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.