

Criminal Misc. No. M- 9064 of 2018 (O&M)

Date of decision : April 25, 2018

Pardeep

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Mohan Singh Rana, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

None for the complainant.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 367 dated 01.09.2017 under Sections 376 (2)(N), 452, 506 IPC registered at Police Station Safidon, District Jind.

It is submitted that the present petitioner and the complainant belong to the same locality and are neighbours. A quarrel had taken place prior to the lodging of the FIR between the petitioner and the complainant's husband. Medical evidence on record does not support the prosecution case. Moreover, the prosecutrix/complainant has not supported the prosecution version. 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 Prem Kumari, verifies that the complainant/prosecutrix as well as her husband have not supported the prosecution case while deposing before the learned trial Court. They have been declared hostile. On instructions from SI Prem

Kumari, it is verified that the petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

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.

April 25, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No