

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

Criminal Misc. No.M-9318 of 2018(O&M)

Date of Decision: March 12, 2018.

Amit

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.R.K.Arya, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.798 dated 18.09.2017, under Sections 363, 366-A IPC (Offences under Sections 420, 467, 471, 120-B IPC added later on), registered at Police Station Model Town Panipat.

It is submitted that the petitioner has been falsely implicated in this case being a friend of the main accused-Jitender. The petitioner is not named in the FIR or even in the statement of the victim under Section 164 Cr.P.C., recorded on 26.09.2017. The alleged victim specifically stated that she accompanied the co-accused Jitender out of her own accord and solemnized marriage with him. There is nothing on record to connect the present petitioner with the controversy in hand except the disclosure statement of the co-accused-Jitender and an alleged supplementary statement of the complainant (grandmother of the victim) recorded on 26.09.2017 when the victim was recovered. The petitioner was thereafter arrested on 27.09.2017. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the petitioner has been nominated as an accused on the basis of supplementary statement of the victim's grandmother recorded on 26.09.2017 and the disclosure statement of the co-accused-Jitender. It is not pointed out whether there was any discovery of fact or any recovery pursuant to the said disclosure statement. Final report under Section 173 Cr.P.C., has since been presented. It is further verified on instructions from ASI Suresh Kumar 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. 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 Amit, 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.

12.03.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.