

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

Criminal Misc. No.M-9508 of 2018(O&M)

Date of Decision: March 12, 2018.

Rahul

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Rajat Mor, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.259 dated 20.07.2017, under Sections 376-D, 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Pundri, District Kaithal.

It is submitted that the petitioner has been falsely implicated in this case. This fact is fortified by the testimony of the complainant/victim (PW-3) as well as her parents (PW-1 and PW-2). Statements of PW-1 to PW-3 are attached alongwith this petition as Annexures P-2 to P-4 respectively. All the said witnesses have specifically stated that the accused persons present in Court (including petitioner) had not committed any wrong act with the prosecutrix/victim. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny the aforesaid factual position that all the three material witnesses i.e. the victim and her parents have been declared hostile. On instructions from ASI Ishwar Singh, it is verified 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 Rahul, 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.

Petitioner shall not attempt to contact the victim or any of her family members/witnesses in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to him.

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.