

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

**Crl. Misc. No.M-11368 of 2015 (O&M)
Date of Decision: May 12, 2015.**

Tehal Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aakash Singla, Advocate
for the petitioner (s).

Mr. Amritpal Singh Gill, A.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

Heard.

Notice of motion.

On asking of the court, Mr. Amritpal Singh Gill, AAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

This is an application under Section 439 Code of Criminal Procedure (Cr.P.C.-for short) for grant of regular bail to the petitioner in case FIR No.25 dated 09.04.2014 registered at Police Station Dhanoula, District Barnala for offences punishable under Sections 376 and 506

of Indian Penal Code.

As per the allegations levelled by the prosecutrix, she came in contact with the petitioner about one and half year prior to recording of her statement under Section 164 Cr.P.C, which was recorded on 10.04.2014. In her statement, she has stated that the petitioner took her on the pretext of marrying her and kept her at different times with his different relatives. She also became pregnant twice but her pregnancy was aborted. Thereafter, they started living in a tenanted premises and the petitioner was arrested by the police and sent to jail.

The challan has been presented in this case and the statement of prosecutrix has been recorded by the Court and completed. The petitioner was arrested on 08.05.2014 and has been continuing in custody since then.

Without expressing any opinion on merits of the case, keeping in view the facts and circumstances of the case and that the completion of trial will take considerably long time, the present petition is allowed. Petitioner Tehal Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Barnala subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his

bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh before the trial Court.

- c. He shall not leave the country without the previous permission of the Court.

May 12, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE