

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

CRL. MISC. No.M-16132 OF 2015
DATE OF DECISION : 21st MAY, 2015

Ashok

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. R. S. Tacoria, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana.

* * * *

SURINDER GUPTA, J. (ORAL)

1. Heard.
2. As per the prosecution case the minor daughter of the complainant aged about two and half years was found with petitioner who had removed her trouser and was touching her private parts. The FIR was registered for offence punishable under Sections 342, 345 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
3. Learned State counsel submits that the challan has been presented in this case. The case is fixed for evidence of the prosecution but the service of complainant cannot be procured on the last four dates.
4. Learned counsel for the petitioner submits that the petitioner is aged person having four children. The complainants are resident of Bihar and have left for their home district and their whereabouts are not known.
5. Keeping in view the above facts, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Ashok is ordered to be released on regular bail on furnishing bail bond and

surety bond to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jhajjar subject to following terms:

- (i) The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 her presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) She shall not leave the country without the previous permission of the Court.

21st May, 2015
'raj'

(SURINDER GUPTA)
JUDGE