

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

**Criminal Misc. No. M-41641 of 2015 (O&M)
Date of Decision: 23.12.2015**

Hamid

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether reporters of local newspapers may be allowed to see judgment?*
- 2. To be referred to reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present:- Mr. Parmod Parmar, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.A.G., Haryana.

HARI PAL VERMA J.(Oral)

Criminal Misc. No. 41493 of 2015

The application is allowed, as prayed for. Documents Annexures P-6 to P-8 are taken on record subject to all just exceptions.

Criminal Misc. No. M-41641 of 2015

Prayer in this petition filed under section 439 CrPC read with Section 482 CrPC is for grant of interim bail to the petitioner for 20 days in case FIR No.434 dated 2.11.2013 under Sections 363, 366 IPC and Sections 18 of the Protection of

Children from Sexual Offences Act, 2012 registered at Police Station Hathin, District Palwal, as the petitioner has to attend his ailing wife who is required to undergo surgery of cholecystectomy and hernia. The said surgery was earlier fixed for 15.12.2015 but now, the same shall be conducted in the coming weeks.

Earlier, the petitioner had approached this Court for grant of regular bail, however, his prayer was declined by this Court. The instant petition, which is otherwise fourth one, has been filed for grant of interim bail for the reason stated hereinabove.

Learned counsel for the petitioner while referring to the statement made by the prosecutrix Sahida submits that there is no allegation of rape against the petitioner and the allegation of rape is against Javed, the co-accused. He further submits that the prosecutrix Sahida along with Javed had approached this Court vide CRM-M-10924-2014 seeking protection of their life and liberty and the said petition was disposed of by this Court vide order dated 27.3.2014.

Learned State counsel, on instructions from HC Joginder Singh, does not dispute the fact that wife of the petitioner is to undergo surgery. However, he submits that in case of grant of interim bail to the petitioner, some strict condition be imposed upon him, as there is possibility that he may misuse the concession of interim bail and abscond.

Heard.

Taking into consideration the fact that the prosecutrix has not levelled any specific allegation of rape against the petitioner, coupled with the fact that the allegation of rape is against co-accused Javed, petitioner is extended the benefit of interim bail for a period of 15 days i.e. from 27.12.2015 to 11.1.2016 subject to his furnishing of bail bonds and two sureties for an amount of Rs.1 lac each or any other condition which the trial Court may deem appropriate in the peculiar facts and circumstances of the case. The petitioner shall surrender before the trial Court on or before 11.1.2016 during Court hours.

The petition is disposed of.

December 23, 2015
AK

(HARI PAL VERMA)
JUDGE