

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-13765 of 2017
Date of Decision: 11.07.2017

Kamaljit Singh @ Kamal & another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.V.S. Chugh, Advocate
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 219 dated 02.12.2016 registered for offences punishable under Sections 377 of Indian Penal Code (for short, "IPC"); 4 of Protection of Children from Sexual Offences Act; and SC/ST Act, at Police Station Dakan, District Ludhiana.

Heard.

As per case of prosecution, petitioners alongwith three other co-accused committed carnal intercourse with brother's son of complainant on 01.12.2016. Petitioners were arrested on 06.12.2016 and after completion of investigation challan was presented against them on 15.02.2017.

It has been submitted that after framing of charge on 26.05.2017, the prosecution has yet to examine any witness.

In view of above but without expressing any opinion on merits

of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Kamaljit Singh @ Kamal and Jagraj Singh are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

July 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No