

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22098 of 2017 (O&M)

Date of Decision: 22.06.2017

Rohtash

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashit Malik, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 271 dated 13.11.2016 registered for offences punishable under Sections 365, 302, 376-A, 201 read with Section 120-B of Indian Penal Code (for short, "IPC") and 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Barauda, District Sonapat.

Heard.

Notice of motion.

On asking of the court, Mr. Ashok Muthreja, DAG, Haryana, 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.

Learned counsel for the petitioner submits that main accused in this case Vikram is son of the petitioner. Allegation against the petitioner is that Vikram after commission of crime came to the petitioner and apprised him of the fact relating to commission of crime. The offence disclosed

against the petitioner is punishable under Section 201 IPC, which is bailable. In similar circumstances, the other co-accused, namely, Ashish has been allowed bail vide order dated 01.06.2017 passed in CRM-M-20464 of 2017.

Learned State counsel submits that offence in this case is quite serious in nature but when confronted with the role of petitioner, he concedes that the offence disclosed against him is under Section 201 IPC only.

Without expressing any opinion on merits of the case and keeping in view the fact that co-accused Ashish has already been released on bail and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rohtash is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.
- (c) He shall not leave the country without the previous permission of the Court.

June 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No