

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21744 of 2017
Date of Decision: 20.06.2017

Ravi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Sarwara, 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. 31 dated 03.05.2016 registered for offences punishable under Sections 363, 366, 366-A of Indian Penal Code (for short, "IPC") and 12 of Protection of Children from Sexual Offences Act, at Police Station Julkan, District Patiala.

Heard.

Notice of motion.

On asking of the court, Mr. Anil Sharma, Addl. AG, 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.

The petitioner was arrested in this case on 10.03.2017. As per statement of prosecutrix, she was taken away from her house by petitioner and his co-accused-Happy on 02.05.2016. Role attributed to the petitioner is that he put handkerchief on the mouth of prosecutrix. Thereafter, she

accompanied the petitioner and his co-accused on motorcycle to Railway Station and then travelled to Amritsar by train where she visited Sri Harmandir Sahib twice to take meals. She had also been roaming here and there at Karnal after travelling from Amritsar to Rajpura by train. Brother-in-law of co-accused-Happy traced them and informed parents of petitioner.

Learned State counsel submits that prosecutrix was minor and was taken away from custody of her legal guardian i.e. parent without their consent.

Challan in this case has been presented and testimony of prosecutrix is subject to scrutiny by trial Court as to whether offence under Section 366-A IPC is made out against the petitioner.

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. Petitioner-Ravi 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 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No