

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21875 of 2017

Date of Decision: 19.06.2017

Pooja

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Gahlawat, 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.223 dated 29.11.2015 registered for offences punishable under Sections 346 of Indian Penal Code (for short, "IPC") at Police Station Pillukhera, District Jind. (Offences punishable under Sections 363, 366-A, 376-D, 342 IPC and 4 of Protection of Children from Sexual Offences Act, were added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Apoorv Garg, 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.

As per allegations in the FIR, the petitioner developed family relations with prosecutrix and offered to marry her at some better place. On

27.12.2015, prosecutrix confided in petitioner-Pooja that she (prosecutrix) apprehends beatings from her brother at which petitioner asked the prosecutrix to accompany her and sent her to the house of her sister, where she was raped by cousin brother of her (sister's) husband.

Learned counsel for the petitioner submits that in fact prosecutrix had left studies and wanted to marry a boy of her choice and the petitioner being friend of prosecutrix facilitated her leaving the house of her parents. Thereafter, she was not in contact with the petitioner and if anything has happened with her as alleged in her statement recorded under Section 164 Cr.P.C. before the Magistrate, she cannot be held liable.

The petitioner was arrested on 12.12.2015 and is in custody since then.

Learned State counsel submits that eight out of 18 witnesses have since been examined so far.

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. Petitioner-Pooja 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 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 her bail bond and surety bond and proceed to procure her

presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) She shall not leave the country without the previous permission of the Court.

June 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No