

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22018 of 2017
Date of Decision: 20.06.2017

Anil

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Anu Garg, Advocate
for Mr. V.P. Sangwan, 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.114 dated 16.12.2016 registered for offences punishable under Sections 342, 372 read with Section 34 of Indian Penal Code (for short, "IPC") and 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956, at Police Station Women Police Station Bhiwani, District Bhiwani. (Offences under Sections 370 (3) IPC and 6 of Immoral Traffic (Prevention) Act, 1956 were added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Gaurav Jindal, Addl. AG, 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.

The petitioner was arrested in this case on 17.12.2016 and was released on regular bail. Thereafter, the police completed the investigation

and presented the challan. While committing the case to Court of Sessions for trial, learned Magistrate observed that offence under Section 370 (3) IPC is disclosed and took the petitioner in custody on 01.06.2017.

Learned counsel for the petitioner submits that offence under Section 370 (3) IPC is not disclosed in this case. Even otherwise, the petitioner is also not named in the FIR.

As to whether offence under Section 370 (3) IPC is made out or not is a fact to be seen by the trial Court at the time of framing of charge. However, keeping in view the fact that the petitioner was on bail and there is nothing on record that he misused the concession of bail and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Anil 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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