

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-26363 of 2017
Date of Decision: July 28, 2017.**

Nirmal Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner (s).

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

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.85 dated 31.10.2015 registered for the offences punishable under Sections 376/450 of IPC and Section 4 of Protection of Children from Sexual Offence Act, 2012, at Police Station Rureke Kalan, Barnala.

Heard.

Notice of motion.

On asking of the court, Mr. Ajay Pal Singh Gill, DAG, 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.

As per case of prosecution, the petitioner entered the house of prosecutrix on 31.10.2015 and committed rape on her. The matter was reported to the police and the petitioner was arrested on 3.11.2015. Challan against him was presented on 24.12.2015.

Learned State counsel submits that out of 16 witnesses, two have been examined.

Keeping in view the above facts and that disposal of the case will take considerably long time, the present petition is allowed. Petitioner Nirmal Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

July 28, 2017
deepak.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***