

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

**CRM No.M-365 of 2017
Decided on: 17.01.2017**

Sultan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. S.S. Gill, Advocate for the petitioner.

Mr. Karan Singh, AAG, Haryana
assisted with SI Vijay Kumar, P.S. Narnaund, Hissar.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.390 dated 13.09.2016, for offence punishable under Sections 506 read with Section 34 of the Indian Penal Code (in short 'IPC') and Section 12 of the Prevention of Children from Sexual Offences Act, 2012 registered in Police Station Narnaund, District Hissar.

Counsel for the petitioner has submitted that the petitioner was arrested on 15.09.2016. On completion of investigation, challan has been presented in the Court and conclusion of trial is likely to take its own time. It is further submitted that the petitioner is ready to face the proceedings without any default.

Counsel for the State of Haryana has not disputed the factual assertions but states that challan was presented on 18.10.2016 but the charge(s) is yet to be framed.

I have heard counsel for the parties, perused the paperbook and the records.

There are no allegations against the petitioner that he is likely to flee from the process of justice in case released on bail. He is in custody for the past more than 04 months.

Without commenting upon merits of the case, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

Before parting with this order, it is pertinent to mention that as per the information given by counsel for the State, case is still pending for consideration on question of charge despite the fact that the challan was presented on 18.10.2016 and the accused is in custody since September, 2016. The trial Court is directed to submit a report explaining the circumstances as to why the case has not been considered on the question of charge till date.

The Registry is directed to put up the report before this Court.

17.01.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No