

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

**CRM No.M-43925 of 2016 (O&M)
Decided on: 29.03.2017**

Bablu @ Radha Krishan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. M.S. Sidhu, Advocate for the complainant.

REKHA MITTAL, J. (Oral)

CRM No.39135 of 2016

Notice of the application to counsel for the non-applicant/respondent.

Mr. Vikas Malik, DAG, Haryana accepts notice on behalf of the respondent – State while Mr. M.S. Sidhu, Advocate has appeared on behalf of the complainant.

Heard.

The application is allowed to add offence under Section 308 IPC.

The Registry is directed to make necessary additions in the headnote of the petition.

Disposed of accordingly.

CRM-M No.43925 of 2016

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.36 dated 21.08.2016, for offence punishable under Sections 323, 341, 365, 325 of the Indian Penal Code (in short 'IPC') (Section 308 IPC added later) and Sections 10, 12 and 8 of the Protection of Children from Sexual Offences Act, 2012 (in short 'the Act') registered at Women Police Station, Sirsa, District Sirsa.

Counsel for the petitioner has submitted that the material witnesses in the case namely the prosecutrix and injured – Vikas have already been examined and their mother has been given up. It is further submitted that the petitioner is in custody since 14.09.2016 and conclusion of the trial is likely to take its own time.

Counsel for the State assisted by Mr. M.S. Sidhu, Advocate, counsel for the complainant has not disputed the factual assertions but opposed the prayer for bail with the submission that as there are allegations of offence under Section 9(i) punishable under Section 10 of the Act, the petitioner is not entitled to be released on bail.

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

Concededly, after framing of charge, case is pending for examination of witnesses of the prosecution. The material witnesses namely the victim (girl) and injured – Vikas have already been examined. Conclusion of the trial is likely to take its own time. There is no allegation against the petitioner that he is likely to flee from the process of justice in case enlarged on bail; without commenting upon merits of the case, the petition is allowed and 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.*

29.03.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No