

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

**CRM-M-10134-2018
Date of decision: 18.07.2018**

Suman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.K. Nehra, Advocate,
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 22 dated 26.01.2018 under Sections 346 IPC (342/376/120-B/34 IPC added subsequently), registered at Police Station Civil Lines Bhiwani, District Bhiwani.

Learned counsel for the petitioner contends that the allegations as set out in the FIR against the petitioner are not sustainable and it is alleged that it is her husband who has committed the offence of rape. The petitioner herein has been incarcerated since 31.01.2018. It is also argued that the trial is likely to take some time to conclude. In this background, he prays for grant of bail to the petitioner.

Mr. P. P. Chahar, learned DAG, Haryana opposes the grant of regular bail while submitting that the allegations are serious in nature.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been incarcerated since 31.01.2018, the trial is likely to take some time to conclude, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

18.07.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)

JUDGE

Yes.

No.