

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

**CRM-M-11781-2018
Date of decision: 18.04.2018**

Shailzanand Thakur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. S. Rai, Senior Advocate with
Mr. Jatin Sehgal, Advocate,
Mr. R. D. Gupta, Advocate &
Mr. Adhirath Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 204 dated 28.06.2017, under Section 506 of the IPC and Sections 6 and 10 of the Protection of Children from Sexual Offences Act, 2012, registered at Women Police Station, Gurugram, District Gurugram.

Mr. R. S. Rai, learned Senior Advocate, assisted by Mr. Jatin Sehgal, Advocate, submits that the petitioner herein has been in custody since 06.07.2017 and the charges have been framed as far back as 14.09.2017. It is argued that zimini orders would reveal that the complainant is not putting in appearance in the said matter and has been seeking exemptions on one pretext or the other. The prosecution witnesses were summoned for 28.11.2017, however, an application for exemption was moved on the said date which was allowed and the matter was then

adjourned to 10.01.2018. On that date, another application for exemption was moved which was again allowed and the case was adjourned to 20.03.2018. However, an application for preponement of the case was filed by the petitioner which was acceded to and the case was preponed from 20.03.2018 to 06.03.2018, on which date again, another application for exemption was moved and the matter was then adjourned to 13.04.2018. On the said date, the Additional Sessions Judge noted the fact that the complainant and her daughter were bound down for that date but despite that fact they had not put in appearance and, therefore, they have now been summoned through bailable warrants to the tune of ₹5,000/- with one surety for 04.06.2018. It is further argued that there are nothing but delaying tactics in an FIR in which allegations are not substantiated.

Per contra, learned counsel for the respondent-State opposes the grant of regular bail to the petitioner on the ground that the petitioner herein is in custody in an FIR in which serious allegations have been levelled against him.

I have heard learned counsel for the parties and have also gone through the zimini orders that have been furnished to this Court.

No doubt, the allegations against the petitioner are serious in nature, however, this Court also cannot lose sight of the fact that the complainant has evaded coming into the Court since the date charges have been framed. It has also been brought to the knowledge of the Court that the complainant is residing in Mumbai along with her three children and, therefore, the question of probability of the petitioner influencing or threatening the complainant would not arise.

In view of the fact that complainant is not coming forth; the

petitioner is in custody since 06.07.2017 and the trial is likely to take some time, no useful purpose would be served in keeping him in custody furthermore. Hence, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the tune of ₹10,00,000/- (Rupees Ten Lakh) and depositing of his Passport, if not deposited already, to the satisfaction of the trial Court/Duty Magistrate concerned.

Needless to say that if any attempt is made by the petitioner, either by himself or through his son, to influence, contact or intimidate his son's wife (complainant) or the victim in any manner whatsoever, the regular bail granted today shall be cancelled.

Any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

18.04.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No