

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

**CRM-M-11965-2018
Date of decision: 17.07.2018**

Rajesh alias Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Ms. Gaganpreet Kaur, AAG, 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. 106 dated 13.09.2017 under Sections 376(D), 354 120-B, 34 IPC and Section 6 of the POCSO Act, registered at Police Station Women, Jind.

It is contended by learned counsel for the petitioner that the petitioner herein has been falsely implicated in this case and he has been in custody since 16.09.2017. It is submitted that the charges have been framed on 10.01.2018 and thereafter the case has been listed on 29.01.2018, 28.03.2018, 24.04.2018, 24.05.2018 and 13.07.2018, on all dates the prosecutrix herself has been absent. It is also contended that another co-accused under the same FIR has also filed ossification test of the complainant, however, she has not put in an appearance for the same. In this background, he prays for grant of regular bail to the petitioner herein.

Ms. Gaganpreet Kaur, learned AAG, 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 in custody since 16.09.2017 and that the prosecutrix has not put in an appearance on the last five occasions, 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

17.07.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.