

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

**CRM-M-13317-2018 (O&M)
Date of decision: 18.05.2018**

Sonu @ Balraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. J.S. Mehndiratta, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

CRM-18118-2018

For the reasons mentioned in the application, the same is
allowed.

Statement of PW-1 is taken on record as Annexure P-6.

CRM-M-13317-2018

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. 04 dated
04.09.2017 under Sections 341, 376 & 506 IPC, registered at Police Station
Women Charkhi Dadri, District Charkhi Dadri (report under Section 173
Cr.P.C. has been presented under Sections 341, 376, 506 read with Section
511 IPC).

It is contended by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case and he has been in custody since 12.09.2017. Learned counsel for the petitioner submits that in the statement of the prosecutrix as given in the FIR and thereafter are in variance with each other. It is also submitted that the trial is likely to take some time.

Ms. Gaganpreet Kaur, learned AAG, Haryana appearing on behalf of the respondent-State opposes the grant of regular bail, however, is not in a position to rebut the fact that the statement of the prosecutrix has been recorded and out of total 11 witnesses only one has been examined.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 12.09.2017; the trial is likely to take some time to conclude; the only statement of the prosecutrix has been recorded, 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

18.05.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.