

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

CRM-M-15190-2018

Date of decision: 30.05.2018

Dharmender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Surinder Dagar, Advocate,
for the appellant.

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. 462 dated 14.12.2017 under Section 323/ 34 / 377 / 498-A / 506 IPC registered at Police Station Hathin, District Palwal.

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 11.03.2018. Learned counsel for the petitioner submits that as per the report dated 08.05.2018 of the Regional Forensic Science Laboratory, Bhondsi (Gurugram), Haryana, semen was not detected on the underwear. He further submits that there was no bleeding or any injury on the person of the prosecutrix. It is also submitted that the trial is likely to take some time.

Mr. P.P. Chahar, learned DAG, Haryana, appearing on behalf of the respondent-State opposes the grant of regular bail on the ground that there are serious allegations against the petitioner.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 11.03.2018; there was no bleeding or any injury on the person of the prosecutrix, and 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

30.05.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.