

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

**CRM-M-21337-2018
Date of decision: 23.05.2018**

Chanpreet @ Channu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. P.S. Ahluwalia, Advocate,
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

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. 35 dated 09.05.2017 under Sections 363, 366 and 376 IPC, and Section 4 of the Protection of the Children from Sexual Offences Act, 2012 registered at Police Station Mukandpur, District SBS Nagar.

It is contended by learned counsel for the petitioner that the allegations as set out in the FIR and a reading of the statement of the prosecutrix itself would reveal that she had left in the company of the petitioner voluntarily. It is also argued that the prosecutrix was almost major i.e. 17 years and 09 months of age at the relevant time and they roamed around Phagwara and Amritsar apart from going to Gurudwara. It is argued that the statement of the hotel owner Rakesh Bhandari would also reflect

that during the stay in the hotel, the prosecutrix did not raise any complaint about the petitioner herein. It is submitted that the petitioner has been in custody since 09.05.2017 well over a year and the prosecutrix has not come forth to complete the cross-examination. In fact, almost 12 opportunities have been availed of by the prosecution to produce her in Court to the extent that evenailable warrants have been issued three times over. Despite the saidailable warrants, there is no appearance on behalf of the prosecutrix and it is on this count the petitioner herein is entitled for bail.

Per contra, learned counsel appearing on behalf of the respondent-State opposes the grant of bail but is not in a position to dispute the fact that the prosecutrix is not coming forth for her cross-examination.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 09.05. 2017; the trial is likely to take some time to conclude as the examination-in-chief of the prosecutrix has been held, 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.

23.05.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.