

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

**CRM-M-23312-2018 (O&M)
Date of decision: 01.06.2018**

Ravi Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Namit Khurana, Advocate,
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J.(Oral)

CRM-20998-2018

This is an application that has been filed to place on record the statement of the prosecutrix recorded under Section 164 Cr.P.C. as Annexure P-3.

Application is allowed as prayed for.

Annexure P-3 is taken on the record.

CRM-M-23312-2018

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. 54 dated 16.03.2018 under Sections 354-A, 384, 420 of the IPC and Section 3(1)(12) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Section 67(B) of IT Act and Sections 4 & 12 of POCSO Act registered at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner relies upon the statement of the prosecutrix recorded in the Court on 16.03.2018 wherein no allegations have been raised against the petitioner herein while praying for grant of anticipatory bail to the petitioner. He further submits that the petitioner herein has been in custody since 16.03.2018.

Mr. P.P. Chahar, learned DAG, Haryana, appearing on behalf of the respondent-State opposes the grant of regular bail, however, is not able to dispute the statement of the prosecutrix recorded under Section 164 Cr.P.C. on 16.03.2018.

I have heard learned counsel for the parties and in view of the fact that the petitioner has been in custody since 16.03.2018; no allegations have been raised against the petitioner in the statement by prosecutrix recorded in the Court on 16.03.2018; 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

01.06.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.