

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26814 of 2018
Date of Decision: 03.07.2018

Dheeraj

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.104 dated 28.12.2017 registered for the offence punishable under Section 365 of Indian Penal Code (for short, "IPC") at Police Station GRP Chandigarh, District GRP Ambala Cantt. (Offences punishable under Sections 343/363/365/366-A/376/384/506 IPC and 4 of Protection of Children from Sexaul Offences Act were added later on).

Heard.

FIR in this case was registered on the statement of mother of prosecutrix, wherein she levelled allegations that her daughter (prosecutrix), who was minor, had been enticed by the petitioner and taken away by him. During investigation, she was recovered from the custody of petitioner.

The petitioner was arrested on 03.01.2018 and after investigation challan has been presented against him. Statement of prosecutrix (PW-1) has been recorded, wherein she has denied that she was

enticed by the petitioner or she had eloped with him. She has also stated that petitioner did not have any physical relations with her.

Learned State counsel submits that the prosecutrix was not subjected to medical examination. However, as per FSL report, human semen was detected on her trouser (*pyjami*).

Keeping in view statement of prosecutrix; above facts and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Dheeraj is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 03, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No