

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26867 of 2018
Date of Decision: 04.07.2018

Sandeep Solanki

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bijender Dhankhar, 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.273 dated 22.05.2017 registered for offences punishable under Sections 363/366/384/376 of Indian Penal Code (for short, "IPC") at Police Station City Sonipat, District Sonipat.

Heard.

FIR in this case was registered on the statement of mother of prosecutrix, wherein she has stated that her daughter (prosecutrix) had been kidnapped by some persons. As per case of prosecution, prosecutrix was later on recovered from possession of the petitioner and in her statement under Section 164 Cr.P.C. recorded before the Magistrate, she levelled allegation of her rape by the petitioner.

Learned counsel for the petitioner submits that complainant as well as prosecutrix have been examined by trial Court and both have not supported the prosecution version. Copy of statement of complainant has

been placed on file as Annexure P-1 and of prosecutrix as Annexure P-2.

The petitioner was arrested in this case on 05.06.2017 and is in custody since then. As per learned State counsel 4 out of 16 witnesses have been examined so far and the prosecutrix has not supported prosecution version.

In view of above but without expressing any opinion on merits of the case and keeping in view the period of incarceration of petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sandeep Solanki 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 04, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No