

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

CRM-M-27912-2018

Date of decision: 12.07.2018

Ashok Kumar

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ajay Paul Singh, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, APP for U.T., Chandigarh.

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. 341 dated 24.10.2017 under Sections 354, 354-A IPC and further added Sections 294, 509 IPC, registered at Police Station Sector 17, Chandigarh.

It is contended by learned counsel for the petitioner that the petitioner herein has been falsely implicated in this case; he has been in custody since 24.10.2017; and the trial is likely to take some time to conclude as the complainant is not coming forth to have her statement recorded despite the fact that she has been summoned five times. He prays for grant of regular bail to the petitioner herein.

Mr. Amit Kumar Goyal, APP for U.T., Chandigarh opposes the grant of regular bail while submitting that the allegations are serious in

nature.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 24.10.2017; and the trial is likely to take some time to conclude as the complainant is not coming forth to have her statement recorded despite the fact that she has been summoned five times; 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

12.07.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.