

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

CRM-M-28301-2018

Date of decision: 16.07.2018

Rajender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ankur Tyagi, Advocate,
for the petitioner.

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

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. 450 dated 19.07.2017 under Sections 6/18 the Protection of Children from Sexual Offence Act, 2012, registered at Police Station City, Sonapat.

It is contended by learned counsel for the petitioner that the counseling report which is available on the record as Annexure P-3 reveals that the petitioner has not committed any misbehaviour with the minor child and it is only on the asking of the neighbour aunty that the instant complaint came to be registered. It is also argued that the statement of both the material witnesses i.e. the mother and the prosecutrix have been recorded in which they have not supported the prosecution version. In this background he prays for concession of regular bail to the petitioner.

Mr. P. P. Chahar, learned DAG, Haryana opposes the grant of bail, however, is not in a position to dispute the fact that the statement of

both the material witnesses i.e. the mother and the minor child have been recorded, who do not support the prosecution version. He further submits 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 19.07.2017; both the material witnesses i.e. the mother and the minor child have been examined and they do not support the prosecution version; the trial is likely to take some time as few witnesses have been examined; 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

16.07.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.