

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

CRM-M-28387-2018

Date of decision:-23.8.2018

Sunil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ajit Kumar Sharma, Advocate for
Mr.R.D. Yadav, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Sunil Kumar – an accused in FIR No.61 dated 18.12.2017, under Sections
354-A/365 IPC, registered with Police Station WPS, Rewari.

Briefly stated, the facts of the case as per prosecution story
are that on 17.12.2017 at about 12:00 noon while prosecutrix (name not
being mentioned to conceal her identity and referred to as '*the victim*'),
resident of village Bohka, aged a little more than 18 years doing JBT from
Jyoti Mandola School was going to fields from her house and she had just
reached near the house of Hari Singh, resident of Bohka then a Bolero
vehicle driven by Sunil son of Balwant, resident of that very village came
near her. Sunil caught hold of hand of the victim with a bad intention and
dragged her inside the vehicle. The victim protested but accused gagged

her mouth with a handkerchief, closed doors of the vehicle putting up the glass-panes. When the victim regained consciousness, she found herself lying near cremation ground of the village. On the basis of her statement, formal FIR was registered. Accused was arrested in this case. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Rewari vide order dated 22.3.2018, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The challan has since been filed and the trial against the petitioner/accused is going on. Though the accused has committed serious offence of kidnapping a girl but then there are no allegations of his committing any sexual assault upon the victim. He is in custody for the last seven months. The trial against the petitioner/accused is going on and its conclusion is likely to take some time, therefore, it shall be in the fitness of things, if regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Rewari, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;

(ii) he shall not give any threat or intimidation to the prosecution witnesses; and

(iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

23.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No