

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

**CRM-M-28475-2018  
Date of decision: 16.07.2018**

Aasif Ali

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Rajesh Lamba, Advocate,  
for the petitioner.

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

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**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. 2 dated 07.01.2018 under Sections 313, 376, 506 IPC, Sections 3(1)(xi) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Women, Sector 16-A, District Faridabad.

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 07.01.2018; the material witnesses i.e. the prosecutrix and her mother have been examined, however, the prosecutrix has not stood the test of cross-examination; the trial is likely to take some time to conclude. 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 while submitting that the allegations are serious in nature. He further submits that out of total 15 witnesses, four have been examined.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 07.01.2018; the prosecutrix has not stood the test of cross-examination and she has specifically denied the commission of rape upon her; the trial is likely to take some time as out of total 15 witnesses only four 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.