

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29592-2018

Date of decision: 21.08.2018

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Devinder Singh, 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. 06 dated 11.01.2018 under Sections 328 and 376 of IPC, registered at Police Station Line Par Bahadurgarh, District Jhajjar.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner herein and the complainant were in relationship as would be evident from the photographs and the call details. It is also argued that the FSL report has since been available in which no semen has been detected. He has been in custody since 12.01.2018 and the trial is likely to take some time to conclude as out of 14 witnesses, only 05 have been examined. In this background, he prays for grant of bail to the petitioner.

Mr. P. P. Chahar, learned DAG, Haryana opposed the grant of

regular bail while submitting that the allegations against the petitioner herein are serious in nature.

I have heard learned counsel for the parties. In view of the fact that the petitioner herein has been incarcerated since 12.01.2018 and the trial is likely to take some time to conclude as out of 14 witnesses, only 05 have been examined, the present petition is allowed. Without expressing any opinion on merits of the case, the 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

21.08.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.