

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30050-2018

Date of decision: 21.08.2018

Jodhbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Pratham Sethi, Advocate,
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

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. 198 dated 28.08.2015 under Sections 376-D/506 of IPC(Later on Section 376 IPC converted into Section 376-D IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 added lateron), registered at Police Station Jandiala, District Amritsar Rural.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner has been in custody since 06.11.2015 while submitting that the trial is likely to take some time to conclude and the material witness, namely the complainant has been examined. In this background, he prays for grant of bail to the petitioner.

Ms. Seena Mand, learned DAG, Punjab 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 06.11.2015 and the trial is likely to take some time to conclude and the material has 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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
Whether reportable

Yes.
No.