

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

CRM-M-32753-2018

Date of decision: 11.09.2018

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Arnav Sood, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. 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. 94 dated 07.07.2018 under Sections 363, 366-A IPC and Section 376 IPC has been added later on, registered at Police Station Balachaur, District Saheed Bhagat Singh Nagar.

Learned counsel appearing on behalf of the petitioner would contend that the the petitioner and the daughter of the complainant wanted to solemnize a marriage, which was being opposed to. Thereafter, the matter has been amicably resolved and the complainant has already suffered a statement with the police to the effect that her daughter is adamant in getting married to the petitioner herein and in such a situation she does not wish to proceed with the FIR any more. In this background, he prays for grant of bail to the petitioner.

Ms. Rajni Gupta, learned Sr. DAG, Punjab opposes the grant of regular bail while submitting that as on date challan has not been presented and the allegations against the petitioner are serious in nature.

I have heard learned counsel for the parties.

In view of the fact that statement of the complainant has already been recorded in which she has deposed that she does not want to pursue with the matter and that the challan has not been presented as on date, there would be no useful purpose in keeping the petitioner in custody. 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

11.09.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.