

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

CRM-M-33419-2018

Date of decision: 21.11.2018

Sachin @ Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.V.P. Sangwan, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, 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.140 dated 01.09.2017 under Sections 366-A, 506, 34 IPC and Sections 4, 18 of POCSO Act (Section 6 of POCSO Act has been added later on), registered at Police Station Women Rohtak, District Rohtak.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner has been falsely implicated in the said case while further arguing that the witnesses summoned from the restaurant, where the alleged occurrence took place, have not supported the prosecution version while also contending that medical was also conducted which is again not in favour of the prosecution. It is contending that the material witnesses have been examined and the trial is likely to take some time to conclude. The petitioner herein has been in custody since 12.09.2017.

Ms. Rajni Gupta, learned Sr. DAG, Punjab learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail while submitting that the allegations are serious in nature. She also submits that 15 witnesses out of total 31 have been examined.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 12.09.2017; the material witnesses have been examined; only 15 witnesses out of total 31 have been examined; the trial is likely to take some time to conclude, without expressing any opinion on merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Trial Court/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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

21.11.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.