

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34401-2018

Date of decision: 21.08.2018

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. D.S. Matya, 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.619 dated 19.07.2017 under Section 3 of SC/ST Act, Section 4 of POCSO Act and Sections 342 & 506 of IPC, registered at Police Station Sarai Khawaja, District Faridabad.

Mr. Yash Dev Kaushik, Advocate, puts in appearance and files power of attorney on behalf of the complainant.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner herein has been in custody since 19.07.2017 while submitting that the material witness has been examined. He also submits that the trial is likely to take some time to conclude as out of 14 witnesses, only 10 have been examined. In this background, he prays for grant of bail to the petitioner.

Mr. P. P. Chahar, learned DAG, Haryana as well as learned

counsel for the complainant 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 19.07.2017 and the trial is likely to take some time to conclude as out of 14 witnesses, 10 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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
Whether reportable

Yes.
No.