

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

CRM-M-36801-2018

Date of decision: 30.08.2018

Pardeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Lajpat Sharma, 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. 311 dated 16.08.2017 under Sections 365, 376 IPC, registered at Police Station Civil Line Kaithal, District Kaithal.

It is contended by learned counsel for the petitioner that the material witnesses i.e. prosecutrix, doctor and other witnesses have been examined before the trial Court, wherein the prosecutrix has turned hostile. The petitioner herein has been in custody since 09.09.2017.

Mr. P. P. Chahar, learned DAG, Haryana opposes the grant of regular bail, however, does not dispute the fact that the material witnesses have been examined, wherein the complainant and the prosecutrix have turned hostile.

I have heard learned counsel for the parties and in view of the fact that the petitioner has been in custody since 09.09.2017, the material witnesses have been examined, wherein the complainant and the prosecutrix have turned hostile, without expressing any opinion on merits of the case, the present petition is allowed. 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

30.08.2018*Satyawan*

Whether speaking/reasoned

Whether reportable

**(JAISHREE THAKUR)
JUDGE**

Yes.

No.