

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

CRM-M-36813-2018

Date of decision: 30.08.2018

Rahul Madhaan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. A.K. Malik, 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. 54 dated 15.05.2018 under Sections 341, 506 IPC and Section 8 of POCSO Act, registered at Police Station Jathlana, District Yamuna Nagar.

It is contended by learned counsel for the petitioner that all allegations as set out in the FIR are patently false. In fact, a statement of the prosecutrix has been recorded under Section 164 Cr.P.C. before the Judicial Magistrate Ist Class, Jagadhri on 16.05.2018 in which she has not named the petitioner herein and, therefore, a reading of the said statement would clearly reflect that no offence is made out. It is also argued that he is in custody since 09.06.2018, challan has been presented and the trial is likely to take some time to conclude.

Mr. P. P. Chahar, learned DAG, Haryana opposes the grant of regular bail, however, does not dispute the fact that a statement under

Section 164 Cr.P.C. has been recorded by the Judicial Magistrate Ist Class, Jagadhri, in which no allegation has been raised against the petitioner herein.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 09.06.2018; challan has been presented in the Court and custody of the petitioner is no longer required, 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.