

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

**CRM-M-36944-2017**

**Date of decision: 16.03.2018**

Bhajan Lal

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Amit Aggarwal, Advocate,  
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

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**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. 12 dated 15.05.2017 under Sections 376, 366 & 363 IPC, registered at Police Station Sector 37, Gurugram.

Learned counsel for the petitioner would contend that the petitioner herein has been in custody since 09.07.2017 and charges were framed as far back as 23.10.2017, however, despite several opportunities the prosecutrix has not come forward to have her statement recorded. It is further submitted that bailable warrants against her were issued for a sum of Rs. 10,000/- for 06.03.2018, however, despite service the prosecutrix did not put in an appearance. He further submits that the trial is likely to take some time to conclude.

Learned counsel for the respondent-State opposes the grant of bail to the petitioner by contending that the trial is likely to conclude shortly as another attempt has been made to serve the prosecutrix through the SHO, concerned.

I have heard learned counsel for the parties.

Order dated 20.08.2017 passed by learned Addl. Sessions Judge, Gurugram has also been taken note of which would reflect that there is a some sort of compromise that has been arrived at between the prosecutrix and the petitioner herein which would probably be a reason for the prosecutrix not coming forth despite service.

Keeping in view the above and the fact that the petitioner herein has been in custody since 09.07.2017 and the trial is likely to take some time to conclude, 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

**16.03.2018**

*Satyawan*

Whether speaking/reasoned

Whether reportable

**(JAISHREE THAKUR)**  
**JUDGE**

Yes.

No.