

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

CRM-M-38294-2018
Date of decision: 13.11.2018

Devinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.S. Chahal, Advocate,
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

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 petitioners in case FIR No. 63 dated 30.09.2016 under Section 376-D and Sections 3, 4, 5 of POCSO Act, registered at Police Station Khilchain, Tehsil Baba Bakala, District Amritsar.

Learned counsel appearing on behalf of the petitioners contends that the prosecutrix, the material witness, has been examined and she has not supported the case as set out by the prosecution. The petitioners herein have been in custody since 01.08.2018 and the trial is likely to take some time. In this background, he prays for grant of bail to the petitioners.

Ms. Rajni Gupta, learned Sr. DAG, Punjab opposed the grant of regular bail while submitting that the allegations are serious in nature and that most of the material witnesses have been examined.

I have heard learned counsel for the parties.

In view of the above and without expressing any opinion on merits of the case, the petitioners are 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 petitioners 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn.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) They shall not leave the country without the previous permission of the Court.

13.11.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.