

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-45103 of 2018
Date of Decision: 1.12.2018**

Naresh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. R.K.Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”) for grant of regular bail to the petitioner in case FIR No.179 dated 26.3.2018 registered for the offences punishable under Sections 363, 366-A of Indian Penal Code (for short, “IPC”) and Section 4 of Protection of Children from Sexual Offences Act at Police Station Samalkha, District Panipat.

Heard.

Learned counsel for petitioner submits that the petitioner was arrested on 17.4.2018. The prosecutrix was produced before Sub Divisional Judicial Magistrate on 5.4.2018 and she suffered a statement (Annexure P-3) which is reproduced as under : -

“It is stated that my father forcefully want to perform my marriage with a person of 26 years old. I do not want to

solemnize marriage with him. I wan to continue studies further. My father also used to beat me under influence of intoxication. Therefore, on 25.4.2018 I have left with Naresh, he is my friend. We are not in relationship. He has nothing done with me. He has produced me in the court. I do not want to go to my home. I do not want to say anything more.”

Even thereafter, during trial, she has also appeared as PW1 and stated that she had gone to Chandigarh with her own free will and accused Naresh never kidnapped her nor committed rape on her.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Naresh son of Ram Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

December 1, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No