

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

CRM-M-45314-2018

Date of decision: 20.11.2018

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Mr. R.S. Khaira, AAG, 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 petitioner in case FIR No.136 dated 10.10.2017 under Sections 376, 384, 328, 509, 120-B, 201 IPC, registered at Police Station City Kotkapura, District Faridkot.

Learned counsel appearing on behalf of the petitioner would contend that the allegations as set out in the FIR qua the petitioner herein are totally false. In any case, the allegation is that he is the owner of the house where the alleged occurrence took place and it is the petitioner herein who is supposed to have bolted the room outside. The petitioner herein has been in custody since 24.10.2017 and the trial is likely to take some time.

Mr. R.S. Khaira, learned AAG, Punjab appearing on behalf of the respondent-State opposes the grant of regular bail while submitting that the allegations are serious in nature. However, is not in a position to dispute the fact that the statement of the prosecutrix has since been recorded. He further submits that 03 witnesses, including the prosecutrix, out of 21 witnesses have been examined.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 24.10.2017; statement of the prosecutrix has been recorded; and the trial is likely to take some time to conclude as only 03 witnesses out of 21 have been examined, the present petition is allowed. Without expressing any opinion on merits of the case, the 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

20.11.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.