

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

CRM-M-47353-2018 (O&M)

Date of Decision: 04.12.2018

Sukhdev

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Keshap Pratap Singh, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, A.A.G., Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.68 dated 18.04.2018 registered under Sections 363, 366-A & 34 IPC at Police Station Hassanpur, District Palwal (Sections 216,120-B & 34 IPC and Section 4 of POCSO were added later on).

Learned counsel for the petitioner has placed on record the copy of the application filed by the petitioner at the time of surrender before the Court below. Counsel concedes that application for anticipatory bail was filed before the Court below which was dismissed in September 2018 and an application bearing CRM-M-42134-2018 was filed in the Court and it was listed for 25.09.2018 in which interim order was passed but before that the petitioner appeared before the Court below and surrendered on 21.09.2018 and this fact was not brought to the notice of the counsel and

subsequently the application for anticipatory bail was withdrawn in October, 2018.

Counsel for the petitioner contends that the petitioner is in custody since 21.09.2018 and challan has been presented and charge has been framed and the complainant and the prosecutrix have been examined. Counsel further submits that the allegations against the petitioner are that he had accompanied Mohan and Mohan is the person who is said to have enticed the prosecutrix and there are no allegations against the petitioner.

The allegation against the petitioner is that he had accompanied Mohan, who is the main accused. Main witnesses have been examined.

The trial would take time. Without commenting anything on the merits of the case, petition is allowed. Petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the trial Court/Duty Magistrate.

December 04, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No