

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

CRM-M-47902-2018

Date of decision: 20.11.2018

Pawan Kumar @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rishu Mahajan, 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.209 dated 14.09.2017 under Sections 376 IPC and Sections 8 & 12 of POSCO Act has been added later on, registered at Police Station Sadar and District Jalandhar.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner herein has been in custody since 14.09.2017 and the statement of the prosecutrix has since been recorded. It is argued that certain letters have already been exhibited which are marked as D-1 to D-6, in which the prosecutrix has admitted that she has written the same. It is argued that in fact the parties were in a relationship.

Mr.R.S. Khaira, learned AAG, Punjab appearing on behalf of the respondent-State opposes the grant of regular bail while submitting that the prosecutrix is a minor, however, does not dispute the fact that statement of the prosecutrix has been recorded. He further submits that 01 witness i.e.

the prosecutrix, out of total 21 witnesses, has been examined.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 14.09.2017; statement of the prosecutrix has been recorded; and the trial is likely to take some time to conclude as only one witness out of 21 witnesses has 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

Whether speaking/reasoned
Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.
No.