

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

**CRM-M-49220-2017
Date of decision: 07.03.2018**

Jaibir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana

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. 216 dated 11.08.2016 under Sections 363, 366-A, 506 IPC and Section 4 of POCSO Act, registered at Police Station Julana, District Jind.

Learned counsel for the petitioner would contend that the petitioner herein has been in custody since 22.12.2016 and that the trial has been delayed unnecessarily on account of the fact that neither the complainant nor the prosecutrix have come forward to have their statements recorded despite several opportunities having been given to them and, thus, the trial is likely to take some time to conclude.

Learned counsel for the respondent-State, on instructions from ASI Suresh Kumar, submits that the trial is being delayed on account of the fact that the complainant and the prosecutrix themselves have not come forward to have their statements recorded despite several opportunities

having been given to them.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 22.12.2016 and the trial is likely to take some time to conclude, without expressing any opinion on merits of the case, the present petition is allowed. 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

07.03.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.