

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

**CRM-M-49920-2017
Date of decision: 07.03.2018**

Kapil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Harish Nain, 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. 43 dated 01.04.2015 under Sections 306/376(2) (N)/383/506/34 IPC and Section 4 of POCSO Act, registered at Police Station Uchana, District Jind.

Learned counsel for the petitioner would contend that the petitioner herein has been in custody since 02.04.2015. He further submits that the material witnesses have been examined. Furthermore there has been no recovery of obscene photographs of the deceased from the possession of the petitioner and that the trial is likely to take some time to conclude.

Learned counsel for the respondent-State submits that the trial is likely to be concluded shortly since only four witnesses remained to be examined on 21.03.2018.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 02.04.2015 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.