

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

CRM-M-54793-2018

Date of Decision: 17.12.2018

Karan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Akshay Kumar Jain, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, 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. 37 dated 15.07.2018, under Sections 363, 376 IPC and Section 4 of the Prevention of Children from Sexual Offences Act, 2012, registered at Women Police Station, Panchkula.

Learned counsel appearing on behalf of the petitioner would contend that the statement of the material witnesses i.e. the complainant and the victim have been recorded before the trial Court wherein they have turned hostile and do not support the prosecution case. The petitioner herein has been in custody since 18.08.2018.

Ms. Gaganpreet Kaur, learned AAG, Haryana, opposes the grant of regular bail while submitting that the allegations against the

petitioner are serious in nature. However, she does not dispute the fact that the material witnesses, namely, the complainant and the victim have turned hostile and do not support the prosecution case.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 18.08.2018 and the fact that the complainant and the victim have turned hostile and do not support the prosecution case, 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- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

17.12.2018

Satyawan

Whether speaking/reasoned

Whether reportable

**(JAISHREE THAKUR)
JUDGE**

Yes.

No.