

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

**CRM M-980-2019 (O&M)
Date of Decision : 16.01.2019**

Sunil

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana

Mr. Deepak Sharma, Advocate for respondent No.3.

RAJ SHEKHAR ATTRI, J. (Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.472 dated 05.08.2018, registered under Sections 363, 366, 420, 467, 468, 471 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, Police Station Quilla Panipat (Report under Section 173 Cr.P.C. has been presented only under Sections 363, 366-A IPC and Section 6 of the POCSO Act and Sections 420, 467, 468, 471 IPC have been deleted).

Learned counsel for the petitioner has relied upon the birth certificate (Annexure P-7) issued on 10.02.2015 by the Panchayati Raj Vibhag, vide which the date of birth of the prosecutrix is 07.10.1997.

To the contrary, learned counsel for respondent No.3 has relied upon the birth certificate (Annexure P-6) dated 10.02.2015, vide which the date of birth of the prosecutrix is 07.10.2004.

The prosecutrix is present in person before this court and submits that she has solemnized marriage with the petitioner. Even her mother is also present in this court. Both the said persons have stated that the prosecutrix is residing in the house of the petitioner.

Further reliance has been placed upon the evidence of prosecutrix that she appeared before the trial court on 11.12.2018 and submitted her statement. Similar is the statement of her father Karar Jahan.

The petitioner is in custody since 11.08.2018. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody any further

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Sunil is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) *The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.*
- (b) *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 petitioner shall have to apply for bail afresh.*
- (c) *He shall not leave the country without the previous permission of the Court.*

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(d) He will maintain peace and be of good behaviour.

16.01.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No