

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1490-2019 (O&M)

Date of Decision : 11.06.2019

Arun alias Khiru

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sanjay Verma, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

Mr. Shiva Khurmi, Advocate
for Mr. Arav Gupta, Advocate
for the complainant.

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.208 dated 05.05.2018 registered under Sections 363, 366-A IPC, at Police Station Sadar Thanesar, District Kurukshetra.

The minor prosecutrix, aged about 16 years, was found missing from her house. Her father lodged FIR on the basis of suspicion.

On the recovery of the prosecutrix, she suffered statement (Annexure P-1) on 16.05.2018, before the police wherein she had stated that she wants to solemnize marriage with the petitioner. On 17.05.2018, she was produced before the Addl. Chief Judicial Magistrate, Kurukshetra wherein she suffered statement that her parents were not happy with her

marriage and she was never raped by the petitioner and whatever happened that was with her consent.

Thereafter, on 29.05.2018, she suffered another statement (Annexure P-3) before the Judicial Magistrate Ist Class, Kurukshetra. The relevant part of the said statement reads as under:-

Q: What do you want to say about this case ?

A: I went for cutting grass on 05.05.2018, meanwhile Gurvinder, Neeraj and one more boy came there and they put hanky on my mouth and I got conscious on railway station and there Haroon alias Khiru was present and he took me to the hotel where he took a room on rent and kept me with him and there he made physical relations with me. That on 16.05.2018 police took us from there and there one policeman namely Rampal given me tea and after drinking tea I lost my consciousness. I don't remember, that what I have stated in my earlier statement before Renuka Madam. That one of my villager namely Dharampal alongwith policeman Rampal threatened me.”

In both the aforesaid statements (Annexures P-2 and P-3), the prosecutrix stated her age as 18 years.

The trial is in progress. The petitioner is stated to be in custody since 16.05.2018. No useful purpose will be served by keeping him 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 Arun alias Khiru 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 prior permission of the Court.*

11.06.2019
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(RAJ SHEKHAR ATTRI)
JUDGE

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