

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

**CRM M-1978-2019 (O&M)
Date of Decision : 22.02.2019**

Ankit alias Kalya

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Manoj K. Tanwar, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana

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.497 dated 28.08.2018, registered under Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Mohindergarh, District Mohindergarh.

In this case, the statement of the prosecutrix as well as her mother has been recorded by the trial court. The mother of the prosecutrix in her statement (Annexure P-2) did not support the prosecution case and she has categorically stated that the accused present in the court is not that person, who has misbehaved with her daughter.

The petitioner is stated to be in custody since 28.08.2018. 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 Ankit alias Kalya 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.
- (d) He will maintain peace and be of good behaviour.

22.02.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No