

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1679 of 2019
Date of Decision: 21.1.2019

Devender @ Bunty

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”.) for grant of regular bail to the petitioner in case FIR No.112 dated 5.5.2018 registered for the offences punishable under Sections 354, 354A, 342, 376, 503, 34 of Indian Penal Code (for short, “IPC”) and Section 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Pinjore, District Panchkula.

Heard.

The allegations in the FIR are that the petitioner was present at the spot. However, during the trial, the prosecutrix failed to support the prosecution case and turned hostile although she was cross-examined at length but did not elicit anything to connect the accused with the crime. Moreover, the mother of the prosecutrix also failed to support the case of the prosecution and turned hostile.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time and the totality of the circumstances, the present petition is allowed. Petitioner-Devender alias Bunty son of Chaman Lal is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

January 21, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No