

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-2655 of 2019 (O&M)
Date of Decision: 25.1.2019**

Vikas

....Petitioner

VERSUS

State of Haryana

....Respondent

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

Present: Mr. Vishal Malik, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Pawan Hooda, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.

CRM-2874-2019

Allowed as prayed for and documents Annexures P-2 to P-4 are taken on record subject to all just exceptions.

CRM-M-2655-2019

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.543 dated 26.8.2018 registered for the offences punishable under Sections 323, 354, 506, 509, 34 of Indian Penal Code (for short, "IPC") and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Samalkha, District Panipat.

Heard.

Learned counsel for petitioner submits that in fact Raja co-

accused has love affairs with the prosecutrix but when mother intervened, she made a story.

In this case, the prosecutrix suffered a statement (Annexure P-3) which reads as under : -

“Stated that on dated 26.08.2018 at about 5/5:30, I was returning from the house of my uncle and my grandmother was with me in the midway, Raja, Vikas and other two boys, I am not aware of their names, started passing filthy comments and when I stopped them by saying that why are you saying so, they started beating me and my grand-mother. I and my grand-mother sustained injuries. Earlier also Raja and Vikas used to pass comments and harass and I do not want to say any further.”

The petitioner was arrested on 11.10.2018 and since then he is in custody.

Counsel for the complainant submits that there are three more criminal cases registered against the petitioner but this is not ground to discard bail to the petitioner at this stage.

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-Vikas son of Shri Subhash 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.
- (d) The petitioner shall not enter the village of the prosecutrix during the pendency of the trial.

Trial Court is directed to expedite the trial.

January 25, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No