

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-3329 of 2019

Date of Decision: 29.1.2019

Suraj and another

....Petitioner

VERSUS

State of Haryana

....Respondent

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

Present: Mr. Gourav Jain, Advocate
for the petitioners.

Mr. Vikas Chopra, 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 petitioners in case FIR No.160 dated 6.9.2018 registered for the offences punishable under Sections 354-A, 452, 323, 363, 366-A, 511, 34 of Indian Penal Code (for short, “IPC”) and Section 8 of Protection of Children from Sexual Offences Act at Police Station Jakhal, District Fatehabad.

Heard.

The petitioners are facing trial for the aforesaid offences on the allegations that main accused Vijay accompanied by some unknown persons made an attempt to kidnap the minor prosecutrix.

Learned State counsel states that the petitioners are identified through test identification parade. However, it has been submitted by the counsel for the petitioners that no test identification parade was conducted.

persons namely Dogar @ Monu, Suraj and Amanpreet (present petitioners) were arrested and brought to the place of occurrence and that this procedure is alien to law. Simple injuries have been attributed to the petitioners. The petitioners are in custody since 19.9.2018.

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. Petitioners-Suraj son of Telu Ram and Amanpreet @ Kaku son of Ajeet Singh are 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 petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bond and surety bond and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

January 29, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No