

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

CRM-M-3043-2019

Date of decision: February 14, 2019

Mahender Singh and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Tanuj Kumar, Advocate
for the petitioners.

Mr. Pawan Garg, AAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Criminal Procedure Code for grant of regular bail to petitioners, namely Mahender Singh and Narender, in case FIR No.663 dated 28.11.2018 registered for the offences punishable under Sections 376, 328, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Sonipat Sadar, District Sonipat.

It is the allegation that two persons namely, Amit and Vijay committed rape upon the prosecutrix. Petitioner No.1-Mahender Singh is the father whereas petitioner No.2-Narender is the brother of the said Amit. The allegation levelled against them are that they conspired with said Amit and Vijay. They are in custody since 19.12.2018. It will take some time to conclude the trial.

Keeping in view the facts and circumstances of the case, without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, no useful purpose

would be served by detaining the petitioners behind the bars, therefore, the present petition is allowed. Petitioners are ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned 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- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn.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 bonds and surety bonds 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.

(RAJ SHEKHAR ATTRI)
JUDGE

February 14, 2019
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No