

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

CRM-M-5135-2019

Date of decision: February 07, 2019

Sanjay Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Nipun Vashist, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, 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 petitioner-Sanjay Kumar, in case FIR No.73 dated 16.08.2018 registered for the offences punishable under Sections 8, 18 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Women Police Station, Sector-16, Faridabad.

Prosecutrix/victim is 11 years of age and is a special child. FIR was registered against the petitioner for making an attempt to sexual assault. FIR was lodged by the mother of the prosecutrix who herself claims to be an eye-witness.

Learned counsel for the petitioner has submitted that the prosecutrix has been examined as PW-1 before the learned trial court and did not support the case of the prosecution. This court has also gone through her statement.

However, 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 petitioner behind the bars, therefore, the present petition is allowed. Petitioner is 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 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

February 07, 2019

m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No