

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

**CRM M-5130-2019 (O&M)
Date of Decision : 08.02.2019**

Sawan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Shubham Aggarwal, 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 the petitioner in case FIR No.112 dated 05.05.2018, registered under Sections 354-A, 342, 376, 503, 34 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Pinjore, District Panchkula.

It has been argued that the main accused Kapil committed rape upon the prosecutrix. The role of the petitioner is that he was present at the spot where the occurrence took place. It has been further submitted that the prosecutrix and her mother did not support the prosecution case and they have been declared hostile. It has also been submitted that the similarly situated co-accused Devender alias Bundy has already been granted the benefit of regular bail vide order dated 21.01.2019, passed by this Court in CRM M-1679-2019.

The petitioner is stated to be in custody since 06.05.2018. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody any further.

Without expressing any opinion on merits of the case and keeping in view the facts that conclusion of trial will take considerably long time and co-accused Devender alias Bunty has already been granted the benefit of bail by this Court, the present petition is allowed. Petitioner Sawan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

08.02.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No