

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

CRM-M-6096-2019

Date of decision: April 11, 2019

Vinod Kumar @ Vinodi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

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-Vinod Kumar @ Vinodi in case FIR No.163 dated 08.10.2018, registered for the offences punishable under Sections 363, 366-A, 376 of Indian Penal Code, 1860 (for short, "IPC") and Section 12 of Protection of Children from Sexual Offence Act, 2012 at Police Station Goraya, District Jalandhar.

Heard.

It is alleged in the FIR that Amarjit Bhatia has taken the prosecutrix to some secluded place on his motorcycle where he committed rape upon her and at that time, petitioner caught hold the prosecutrix.

Learned State counsel has apprised this court that in her statement under Section 164 Cr.P.C., she has stated that both the accused were trying to rape her. When she raised objection then they took her on a motorcycle towards village and on the way, her father met and she boarded on the motorcycle of her father.

Learned counsel for the petitioner has submitted that a compromise has been effected. However, learned State counsel has submitted that no medical has been conducted. Petitioner is in custody since 09.10.2018.

Without expressing any opinion on merits of the case, keeping in view 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the court.

(RAJ SHEKHAR ATTRI)
JUDGE

April 11, 2019
m. sharma

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