

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

CRM-M-9813-2019

Date of decision: March 07, 2019

Arun Dahiya

....Petitioner

Versus

State of UT, Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ishan Khetarpal, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. P.P. UT Chandigarh.

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-Arun Dahiya in case FIR No.334 dated 01.09.2018, registered for the offences punishable under Sections 363, 376-DA, 506, 120-B of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Sector-31, Chandigarh.

It has been argued that the prosecutrix herself appeared as PW-2 and she failed to support the case of the prosecution. Similar is the evidence of her mother, who appeared as PW-1.

PW-1 Smt. Suganti Devi has stated that her daughter (prosecutrix) disclosed her that two persons namely Karan and Gurinder had committed rape upon her, whereas, prosecutrix also stated so. No allegation of rape has been levelled against the petitioner. He is in custody since 01.09.2018.

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. 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

March 07, 2019

m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No