

220

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

**CRM-M-10589-2019
Date of Decision : 09.04.2019**

Mohit

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to petitioner-Mohit in FIR No. 172 dated 28.05.2018, registered under Sections 342/506/120-B of the Indian Penal Code, 1860 and Sections 4/6 of POSCO Act at Police Station Kanina, District Mahendergarh.

Heard.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and he is in judicial custody since 27.07.2017. He further submits that the prosecutrix and grandfather of the prosecutrix have turned hostile.

Learned counsel for the petitioner further submits that it will take some time in conclusion of the trial.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

Learned State counsel has also placed on record a photocopy of the Regional Forensic Science Laboratory, Bhondsi (Gurugram) which transpires that semen was detected on the underwear of the victim. However, perusal of the statement of the prosecutrix shows that no such incident has happened with her.

Learned counsel for the petitioner submits that the underwear worn by the petitioner at the time of examination was different and the one, which was sent to the FSL after a delay of eight days, was different.

Without commenting upon the merits of case, considering the fact that petitioner is in judicial custody since 27.07.2017; the trial is likely to take some time and also in view of the fact that the prosecutrix and her grandfather have turned hostile, this petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

09.04.2019
shabha

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether Reportable : *Yes/No*