

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

228

CRM-M-11011-2019

Date of Decision:14.03.2019

Ravi

....petitioner

Versus

State of Haryana

.....respondent

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Partap Singh, Advocate
for the petitioner

Mr.Vikas Chopra, DAG 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.96 dated 09.05.2018 registered for the offences punishable under Sections 363/366-A of Indian Penal Code (for short, "IPC") and Section 4 of The Protection of Children from Sexual Offences (**POCSO**) Act, 2012, at Police Station Sadar Panipat.

As per the case of the prosecution, the prosecutrix was missing from her house, therefore, her father lodged the present FIR stating that her daughter has been kidnapped by the petitioner. When the prosecutrix was recovered, she was produced before the Magistrate, where her statement under Section 164 Cr.P.C.was got recorded. In her statement, the prosecutrix stated that she had gone on her own to her aunt's house without telling anyone. She did not state anything against the accused-petitioner. Rather, she categorically stated that the petitioner never kidnapped and raped her.

Learned counsel for petitioner submits that the petitioner has

been falsely implicated in the present case. He further submits that the petitioner is in custody since 14.05.2018.

Heard.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

14.03.2019

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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No