

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11503-2019

Date of Decision:-23.05.2019.

Kanshi Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana

RAJ SHEKHAR ATTRI, J.

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.178 dated 06.08.2018, registered under Sections 306, 328, 34, 376-D, 506 IPC and 6 of POCSO Act at Police Station Bhattu Kalan, District Fatehabad.

Heard.

Unfortunately Ms. Silochana aged 15 years committed suicide by consuming poison. Initially proceeding under Section 174 Cr.P.C. was initiated, however, the post-mortem of the deceased was conducted which led to the conclusion that she committed suicide while consuming poison and she was subjected to rape. However, the DNA profile was collected and sent to Forensic Science Laboratory which matched with one Satish @ Bania who is the co-accused in this case.

Learned State counsel, on instructions from ASI Shyam Lal, Police Station Bhattu Kalan, District Fatehabad submitted that complainant and the material witnesses have already been examined.

The petitioner is in custody since 24.09.2018. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

(RAJ SHEKHAR ATTRI)
JUDGE

May 23, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.