

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-15071 of 2019
Date of Decision: 5.4.2019

Pardeep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Devinder Singh, Advocate
for the petitioner (s).

Mr. Pawan Garg, AAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”.) for grant of regular bail to the petitioner in case FIR No.116 dated 5.5.2018 registered for the offences punishable under Sections 363, 366A, 376(2) of Indian Penal Code (for short, “IPC”) and Section 6 of Protection of Children from Sexual Offence Act at Police Station Bawani Khera, District Bhiwani.

Heard.

Allegations have been levelled against the petitioner that he kidnapped and raped the minor prosecutrix but counsel for the petitioner submits that during the trial, the prosecutrix as well as her mother has stated that the prosecutrix has gone with her own consent with the petitioner and the petitioner never committed rape upon her. The petitioner is in custody since 9.5.2018.

keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Pardeep son of Ramphal Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

April 5, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No