

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15486-2019

Date of Decision:-09.05.2019.

Santosh Kumar @ Sunny Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Mr. Sanjeev Bishnoi, Advocate for the complainant.

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.69 dated 05.05.2018 under Sections 363, 366-A, 376(3) of the IPC and Section 4 of the POCSO Act, 2012, registered at Police Station SBS Nagar (now Police Station Dugri), District Ludhiana.

It has been submitted that petitioner as well as the prosecutrix want to marry with each other on attaining her the age of majority and that compromise has been effected between the parties. Statement of the prosecutrix has been recorded.

Learned counsel for the complainant admitted the factum of compromise between the parties.

The petitioner is in custody since 09.05.2018. 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 Santosh Kumar @ Sunny Kumar 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 09, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.