

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

**CRM M-16439-2019 (O&M)
Date of Decision : 22.04.2019**

Shamsher Singh alias Shera

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Vipin Mahajan, Advocate
 for the petitioner.
 Mr. Harpreet Singh Multani, AAG, Punjab.

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.40 dated 06.04.2017, registered under Sections 363, 366-A, 376 IPC and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Dhariwal, District Gurdaspur.

It has been contended that both the petitioner and the prosecutrix are in live-in-relationship. They wanted to marry with each other and from the said relationship, one daughter is born. The prosecutrix is now staying in the house of the petitioner.

Reliance has been placed upon the statements of the prosecutrix and her father. It has been further submitted that the compromise has been effected between the parties and the petition i.e. CRM-M-17496-2019 for quashing of FIR on the basis of compromise has already been filed which is fixed for recording the statements of parties.

The petitioner is stated to be in custody since 22.08.2018. 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 Shamsheer Singh alias Shera 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

22.04.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No