

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35654 of 2018
Date of Decision: 27.2.2019

Hakam Khan

....Petitioner

VERSUS

State of Haryana

....Respondent

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

Present: Mr. Munfaid Khan, Advocate, for
Mr. Amit Kumar Jain, Advocate,
for the petitioner (s).

Mr. Pawan Garg, AAG, Haryana.

Mr. Manoj Kaushik, Advocate,
for the complainant.

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.811 dated 27.9.2017 registered for the offences punishable under Sections 201, 323, 344, 376, 506 of Indian Penal Code (for short, “IPC”) at Police Station Surajkund, District Faridabad.

Heard.

Learned counsel for petitioner submits that earlier the prosecutrix has married with petitioner. Both of them preferred a petition before this Court vide CRM-M-36751-2016 and they were granted interim protection by this Court vide order dated 10.10.2016. However, ultimately, said petition was dismissed on the ground that the petitioner failed to

examination, the prosecutrix admitted solemnization of marriage (*nikah*) with the petitioner. Now the statement of the prosecutrix has already been recorded. The petitioner is stated to be in custody since 1.3.2018.

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-Hakam Khan son of Hameed 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 previous permission of the Court.

February 27, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No