

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

**CRM M-19811-2019 (O&M)
Date of Decision : 07.05.2019**

Babu alias Raj Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Chander Shekhar Sharma, 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.225 dated 19.09.2016, registered under Sections 363, 366, 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act (in short 'the Act') (Section 376 IPC and Section 4 of the Act added later), at Police Station Division No.7, Jalandhar.

Earlier the petitioner solemnized marriage with the prosecutrix and the agreement of marriage was executed on 19.09.2016 and they resided together as husband and wife for approximately one year. Thereafter, the prosecutrix lodged the FIR.

The petitioner is in custody since 19.09.2016. 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 Babu alias Raj 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

07.05.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No