

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

CRM-M-44636-2018 (O&M)

Date of decision: February 14, 2019

Vinay Sharma @ Sagar Sharma @ BabbuPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

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

RAJ SHEKHAR ATTRI, J.(ORAL)

CRM-36085-2018

Application is allowed, as prayed for.

CRM-M-44636-2018

The present petition has been filed under Section 439 Criminal Procedure Code for grant of regular bail to petitioner-Vinay Sharma @ Sagar Sharma @ Babbu, in case FIR No.231 dated 28.11.2017 registered for the offences punishable under Sections 376(N), 506 and 420 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station Civil Lines, Patiala, District Patiala.

The allegation against the petitioner is that he had committed rape upon the prosecutrix by performing magical cure/treatment. At that time, the prosecutrix was alone at home as her husband had gone outside and her daughter and mother-in-law were in upper floor of the house.

Learned counsel for the petitioner has placed strong reliance upon the cross-examination of the prosecutrix.

Prosecutrix including 17 witnesses more have already been examined.

Without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, no useful purpose would be served by detaining the petitioner behind the bars, therefore, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

February 14, 2019
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No