

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-44849 of 2018
Date of Decision: 26.3.2019**

Sabir

....Petitioner

VERSUS

State of Haryana and another

....Respondents

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

Present: Mr. Saleem Ahmed, Advocate
for the petitioner (s).

Mr. Pawan Garg, AAG, Haryana.

Mr. Pankaj Kaushik, Advocate,
for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

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.12 dated 24.7.2018 registered for the offences punishable under Sections 376(2)(n), 506 of Indian Penal Code (for short, “IPC”) at Police Station Women, District Sonipat.

Heard.

A perusal of the record transpires that statement of the prosecutrix has been recorded in which she has stated that she had already married Sabir petitioner. She has categorically stated that the petitioner never kidnapped her, rather, she is her wife. Similarly, the mother of the prosecutrix namely Khurshid also suffered statement to the effect that her daughter was married with the petitioner and that the petitioner neither

kidnapped nor committed rape upon her.

The petitioner is in custody since 24.7.2018 and the material witnesses have already been examined.

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-Sabir son of Iliyas Pehlwan 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

March 26, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No