

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

CRM-M-45094-2018

Date of decision: February 04, 2019

Mandeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Lekh Raj Nandal, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Saurabh Dalal, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to petitioner-Mandeep in case FIR No.251/2018 dated 15.05.2018 registered for the offences punishable under Sections 376, 511 and 34 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station Ganaur, District Sonipat.

It is the allegations against the petitioner, who is brother-in-law of the prosecutrix, that in the absence of the husband of prosecutrix, he attempted to rape upon her. However, when her relatives and daughters came there, he left her.

Learned counsel for the petitioner submitted that there is a dispute of the property between the prosecutrix, her husband on one hand and the petitioner as well as father on the second and this fact has been admitted by the prosecutrix in her deposition recorded on 11.01.2019 by learned trial court where she appeared as PW-2.

Learned counsel for the complainant has vehemently contended that it is a heinous crime and petitioner be not entitled for bail.

I have heard learned counsel for the parties and have gone through the record.

Petitioner is in custody since 05.07.2018. It will take some time to conclude the trial.

Keeping in view the facts and circumstances of the case, 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 04, 2019
m. sharma