

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22278-2019

Date of Decision:-21.05.2019.

Rohit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana assisted by
Sub Inspector Munish, Police Station Udyog Vihar,
Gurugram.

RAJ SHEKHAR ATTRI, J.

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.16 dated 18.01.2019, registered under Section 8 of the POCSO Act at Police Station Udyog Vihar, Gurugram.

It has been submitted that minor prosecutrix is aged about 4 years and she was found as incompetent witness, therefore she was discharged for testimony. FIR is lodged by the mother of the prosecutrix on the ground that she had come to know that petitioner has committed rape on the minor prosecutrix but during trial she turned hostile and categorically stated that petitioner-Rohit Kumar was not present at the time of occurrence and no offence was committed with her minor daughter of 4 years of age.

The petitioner is in custody since 18.01.2019. 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 Rohit 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

May 21, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.