

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

CRM-M-50380-2018

Date of decision: February 20, 2019

Deepak

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vikas Sonak, Advocate
for the petitioner.

Mr. Vikramjeet Singh, Addl. A.G., Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Criminal Procedure Code for grant of regular bail to petitioner-Deepak, in case FIR No.837 dated 10.07.2018 registered for the offences punishable under Sections 363, 366-A, 376(3) of the Indian Penal Code, 1860 (for short 'IPC') and Section 6 of Protection of Children from Sexual Offences Act, 2012, at Police Station City Karnal.

In this case, FIR was lodged by the father with regard to kidnapping of her minor daughter. However, when the prosecutrix was recovered, she was produced before the learned Judicial Magistrate Ist Class, Karnal on 18.07.2018 and she suffered a statement under the provisions of Section 164 Cr.P.C. (Annexure P-3) wherein she has stated that she wanted to marry with the petitioner.

During trial, she suffered another statement as PW-4 wherein she has specifically stated that she had married with the petitioner and got pregnant from him.

Keeping in view the totality of the circumstances and without expressing any opinion on merits of the case, this court is of the view that the petitioner is entitled for grant of regular bail. Accordingly, the present petition is allowed and 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 20, 2019
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No