

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

CRM-M-24059-2019

Date of decision : 29.05.2019

Nageshwar Rav

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.J.P.Jangu, Advocate for the petitioner.,

Mr.Manoj Kumar Sangwan, DAG,Haryana.

RAJ SHEKHAR ATTRI, J. (ORAL)

This is a petition for regular bail filed by the petitioner in case FIR No.16 dated 10.01.2019 under sections 323, 506 of IPC and 6 of the Prevention of Children from Sexual Offences Act, 2012, registered at Police Station DLF, Sector 29, District Gurugram.

The allegations levelled against the petitioner are that he committed wrong act with a minor girl.

It is submitted by learned counsel for the petitioner that the prosecutrix has resiled from her statement. A bare perusal of the record shows that before the statement given to the Magistrate under Section 164 Cr.P.C. she had stated that the petitioner committed wrong act with her but in her deposition before the Court she resiled from what she had stated

before the Magistrate. The petitioner has been in custody since 10.01.2019 and the trial will take a long time to conclude.

Learned State counsel has not disputed the factual position.

Heard.

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 Nageshwar Rav 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, Gurugram 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

29.05.2019