

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27110-2019

Date of Decision:-12.07.2019.

Sanjay

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. B.K. Bagri, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

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.45 dated 29.01.2019, registered under Sections 363, 366-A IPC and Section 4 of POCSO Act at Police Station Model Town, Rewari (Haryana).

FIR was lodged by the brother of the prosecutrix on the basis of suspicion that his sister has been kidnapped by the petitioner. When she was recovered and produced before the Magistrate, she suffered statement on 18.02.2019 under Section 164 Cr.P.C. stating that she left her home on 26.01.2019 without any pressure and with her own free will and no wrong act has been committed on her. However, she was sent to her house along with her father.

Learned State counsel submitted that on the very same day, the police recorded her separate statement under Section 161 Cr.P.C. wherein she has stated that accused committed sexual intercourse with her.

The prosecutrix refused twice to get herself medically examined.

At this stage, there is no reason to disbelieve the statement of the

prosecutrix under Section 164 Cr.P.C. The petitioner is in custody since 18.02.2019. 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-Sanjay 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

July 12, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.