

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

**CRM-M-27389-2019 (O&M)
Date of Decision : 18.07.2019**

Mustafa Petitioner
Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Jamshed Ahmed, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

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.70 dated 28.08.2018, registered under Sections 363, 376-D, 212 IPC and Section 6 of the Protection of children from Sexual Offences Act, 2012, at Police Station Women, Palwal

It has been contended that the prosecutrix has appeared as PW2 before the trial court and has categorically stated that some unknown and unidentified persons with muffled faces committed rape upon her turn by turn. She was cross-examined but nothing was elicited from her statement. It has been further contended that all the material witnesses including the parents of the prosecutris also turned hostile.

The petitioner is stated to be in custody since 26.09.2018. 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 Mustafa 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

18.07.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No