

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

CRM-M-28813-2019  
Date of Decision:-15.07.2019.

Deepak @ Sunty

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

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Present: Mr. Rajat Mor, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

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**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.38 dated 04.02.2019, registered under Sections 363, 366-A and 506 IPC (subsequently Sections 376, 420 and 120-B IPC and Section 6 of POCSO Act were added but later on Sections 120-B and 376 IPC and Section 6 of POCSO Act were deleted during the investigation) at Police Station Bawani Khera, District Bhiwani.

FIR was lodged against the petitioner with regard to offences under Section 363, 366-A and 506 IPC on the statement of father of the prosecutrix. When the prosecutrix was recovered, her statement was recorded on 05.02.2019 (Annexure P-3) wherein she has stated that she wanted to marry with the petitioner. Thereafter, she was produced before the Magistrate where her statement under Section 164 Cr.P.C. was recorded wherein she has stated that she wants to solemnize marriage with the petitioner and she has gone to the house of the petitioner voluntarily. Even in her deposition (Annexure P-2) she has

categorically stated that petitioner neither kidnapped her nor committed rape upon her.

I have heard the learned counsel for the petitioner and have gone through the record.

The petitioner is in custody since 13.02.2019. 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-Deepak @ Sunty 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 15, 2019.**  
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.