

219     **IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CRM-M-30012-2019 (O&M)**

**Date of decision: 22.07.2019**

Babu Lal

... Petitioner

Versus

State of Haryana

... Respondent

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

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Present:     Mr. Manish Soni, Advocate  
                     for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

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**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.83 dated 06.03.2019, registered under Sections 376 D of IPC at Police Station Sector-65, Gurugram.

Learned counsel for the petitioner submits that in deposition of prosecutrix PW-1 (Annexure P-3), it has been categorically stated that none of the accused persons had committed rape upon her. She has not supported the prosecution version. In her cross-examination, she was declared hostile as she had categorically stated that none of the accused committed rape upon her.

The petitioner is in custody since 06.03.2019. 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 Babu Lal 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

**22.07.2019**  
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**( RAJ SHEKHAR ATTRI )**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No