

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30191-2019

Date of Decision:-23.07.2019.

Yash Kumar

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vishal Garg Narwana, Advocate for the petitioner.

Mr. Gautam Dutt, A.P.P. for U.T. Chandigarh.

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.69 dated 18.03.2019, registered under Sections 376 (2) and 506 IPC at Police Station South Sector 34, Chandigarh.

Mr. Baljeet Beniwal, Advocate has put in appearance and filed his power of attorney on behalf of respondent No.2. Same is taken on record.

Custody certificate dated 22.07.2019 filed by learned State counsel today in Court is taken on record.

Allegations have been levelled against the petitioner that he developed physical relations with the prosecutrix on the pretext of marriage.

However, the prosecutrix denied to undergo medical

examination of her body as per Annexure P-20. Even she effected

compromise twice vide Annexures P-4 and P-5. In the first compromise (Annexure P-4), she has received gold locket and one mobile phone and in the second compromise (Annexure P-5), she received Rs.31,000/-.

The petitioner is in custody for more than four months. 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-Yash Kumar 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 23, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.