

CRM-M-570-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110+208

CRM-M-570-2023 (O&M)
Date of Decision:-02.06.2023

Rajan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sunil Sihag, Advocate with
Mr. Satyaveer Singh Nain, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

ALOK JAIN, J. (Oral)

CRM-25192-2023

1 The present application has been filed for placing on record the statement of PW4 dated 05.05.2023 as Annexure P-7.

2. Application is allowed as prayed for. Annexure P-7 is taken on record, subject to all just exceptions.

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1. The present petition has been filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 199 dated 11.04.2022 under Sections 363 and 366 of the Indian Penal Code (Section 328 and 376 IPC added later on) and Section 4 of POCSO Act, 2012, registered at Police Station Quilla, District Panipat.

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2. Learned counsel for the petitioner submits that the petitioner is in custody since 24.05.2022 and all the material witnesses have been examined. He also relies upon the fact that the prosecutrix has refused to get her medical done and the petitioner has a fair chance of acquittal.

3. *Per contra*, learned State counsel vehemently opposes the bail and submits that the serious allegations have been leveled against the petitioner, however, could not deny the fact that the prosecutrix has refused to get her medical done.

4. After hearing learned counsel for the parties and the fact that all the material witnesses have been examined and the petitioner is in custody for more than 01 year and the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody, therefore, the petitioner has made out a case for grant of concession of regular bail.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court,

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for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

6. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

02.06.2023
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No