

CRM-M-7997-2023

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

(232)

CRM-M-7997-2023
Date of Decision:-22.03.2023

Rajesh Kumar @ Banti

....Petitioner

Versus

State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Manjot Singh Gujral, Advocate for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P. for UT Chandigarh.

ALOK JAIN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.0018 dated 18.02.2022, under Sections 363 and 366 of Indian Penal Code, (Section 376(3) IPC added later on) and Section 6 of Protection of Children from Sexual Offences Act, registered at Police Station West, Sector 11, Chandigarh.

Custody certificate has been filed by learned counsel for U.T. Chandigarh. The same is taken on record.

Learned counsel for the petitioner submits that the petitioner has been wrongly involved in the present FIR as the victim was engaged with his friend Satvir and has got married also. He further submits that the testimony of all the material witnesses also taken place and he is in custody for last 11 months 20 days and the trial is likely to take some time.

Learned counsel for U.T. Chandigarh has vehemently opposed the bail on the ground that there is substantial medical evidence against the petitioner to ensue his conviction and therefore the petitioner should not be granted the concession of regular bail. However, learned counsel for U.T. Chandigarh could not deny the fact that only 09 out of 20 witnesses have yet been examined.

After hearing learned counsel for the parties and the fact that the trial is likely to take some time, no useful purpose would be served by

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keeping the petitioner in custody, therefore the petitioner has made out a case for grant of concession of regular bail.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and 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, 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.

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

(ALOK JAIN)
JUDGE

March 22, 2023.

Parul

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