

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

215

CRM-M-40724-2022(O & M)

Date of decision: 13.03.2023

ANKIT KUMAR

..... Petitioner

VS

STATE OF HARYANA

..... Respondents

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr.Ashit Malik, Advocate
for the petitioner

Mr.S.S.Pannu, DAG Haryana

ALOK JAIN, J. :

The instant petition has been filed seeking grant of regular bail to the petitioner in case FIR No.128 dated 04.05.2022 under Sections 376(2)(n) and 506 of IPC, registered at Police Station City Pehowa, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner is in custody since 05.05.2022 and the charges have been framed before the trial Court.

Custody certificate dated 12.03.2023 has been filed by the respondent-State, which is taken on record.

Learned State counsel submits that 03 out of 14 witnesses have been examined. At this stage, learned counsel for the petitioner submits that the testimony of the prosecutrix has already been recorded and in fact, the parents of the prosecutrix had been given up. He further submits that the remaining witnesses are the official witnesses.

Learned State counsel vehemently opposes the grant of bail to the petitioner and relied upon the statement under Section 164 Cr.P.C. to submit

that the petitioner has committed a heinous offence though being a Professor by profession and hence does not deserve the concession of bail.

After hearing learned counsel for the parties and the fact that all the material witnesses have been examined and the petitioner is in custody since 05.05.2022 and the trial is likely to take some time, no useful purpose would be served by keeping the petitioner in custody.

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.
5. He shall not try to induce any of the witnesses during the pendency of the trial.

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

The State shall be at liberty to file a petition for cancellation of bail, if at any stage, the petitioner is found not abiding by the aforesaid conditions.

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

Pending misc.applications, if any, shall also stand disposed of with the disposal of the main petition.

(ALOK JAIN)
JUDGE

13.03.2023

neenu

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