

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

208

CRM-M-38142-2014

Date of Decision: December 23, 2015.

NARENDER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Dinesh Arora, Advocate
for the petitioner

Mr.Vikramjit Singh, Addl.A.G.Haryana

M.M.S.BEDI, J.(Oral)

The petitioner has been in custody w.e.f. 31.12.2013 in a case of rape.

Counsel for the petitioner has inter alia argued that the whereabouts of the prosecutrix are not known and that a separate petition has been filed by the mother of the prosecutrix for direction to trace her.

Report has been called from the trial Court. It has been reported that summons have been sent to the prosecutrix several times but she is missing since January, 2014. The delay in conclusion of trial is certainly a matter of concern but a fair opportunity is required to be granted to the prosecution to examine all the material witnesses.

Statements of the father and mother of the prosecutrix have already been recorded.

Without expression of any opinion whether the prosecutrix is avoiding her appearance intentionally or she is unable to appear or whether she is not existing at present, I am of the opinion that a balance is required to be struck between the right of the petitioner for expeditious trial and rights of the prosecution to produce the evidence to establish the charge

against the petitioner. It will be expeditious in the interest of justice in case a fair opportunity is given to the prosecution to conclude the evidence.

This petition is disposed of with the direction that prosecution shall make strenuous efforts to trace the prosecutrix for appearance in the Court with the help of her parents. In case the prosecution is not able to secure the presence of the prosecutrix within six months after the next date of hearing fixed before the trial Court, it will be open to the trial Court to grant bail to the petitioner or pass any appropriate order in the case.

December 23, 2015
TSG

(M.M.S.BEDI)
JUDGE