

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-36164 of 2016 (O&M)
Date of decision : 18.11.2016

Rajeev Kumar

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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

Mr. Apoorv Garg, AAG, Haryana.

ANITA CHAUDHRY , J(ORAL)

This is a petition filed by the petitioner seeking regular bail in FIR No. 302 dated 13.04.2016 registered at Police Station City Thanesar, Distt. Kurukshetra under Sections 365, 376, 354D IPC.

Petitioner is in custody since 10.06.2016 and he is the brother of Karan, who is said to be the main accused. The allegations are that the petitioner was driving the car. The counsel contends that the prosecutrix is avoiding the witness box on the last two dates she has not appeared and requests have been received in the Court seeking her exemption.

Learned counsel has placed the zimni orders on record to show the order passed on 07.10.2016 and 07.11.2016. He further contends that the story put forward by the victim is improbable and as per the victim, her brother was accompanying her and when the bike developed a defect, he asked her sister to go home and their house is stated to be nearby and it is impossible at that moment that the car would appear and the prosecutrix would be pulled inside. He further submits that the allegations further are that she got down from the car on the pretext of easing herself and she took

the help of motor-cyclists who dropped her back.

Learned State counsel was asked as to whether the details of the person who had dropped the victim on the motorcycle after the incident were found. He states that the prosecutrix did not give the details of the motor-cycle on which she had taken a ride back and no witness in this regard had come forward.

The prosecutrix has not appeared in the Court on last two hearings. It appears that she is avoiding the witness box. The case had been adjourned on the last dates to see if the prosecutrix appears. She again failed to appear on 07.11.2016.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on her furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate with a rider that the petitioner would not contact the prosecutrix in any manner.

November 18, 2016
M.Negi

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No