

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

Criminal Misc. No.M- 19657 of 2017(O&M)

Date of Decision: September 8 , 2017.

Satender Yadav PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.454 dated 27.03.2016 under Sections 365/376/328/506 IPC registered at Police Station Kalanaur, District Rohtak.

It is submitted that the petitioner aged 20 years, was an employee with the complainant. The alleged victim is the complainant's wife. As per the allegations in the FIR, the complainant's wife went missing on 26.03.2016. The complainant clearly states that the victim had left out of her own will. The alleged victim was recovered on 06.04.2016 in the company of the petitioner at

Bus Stand, Katra. In her statement recorded under Section 164 Cr.P.C., no allegation attracting the rigours of Section 376 IPC has been raised by the victim. Though in her statement under Section 161 Cr.P.C., allegation of rape by the petitioner has been raised, the victim did not utter any such words while recording her statement under Section 164 Cr.P.C. before the learned Judicial Magistrate First Class, Rohtak (Annexure P3). It is further submitted that as per the FSL report, no common poison or drug was found, thereby negating the allegations of intoxicating her or administering poison to her. It is contended that the relationship, if any, between the petitioner and victim is consensual in nature. The fact that she left her home out of her own will is stated by the complainant himself in the FIR. Moreover the complainant, the victim and the Investigating Officer of this case have since testified before the learned trial court. The petitioner, who is not involved in any other case, has been in custody since 07.04.2016. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Rakesh, verifies that the prosecutrix as well as the other material witnesses in this case have been examined. Nine other prosecution witnesses remain to be examined. Aforementioned statement of the prosecutrix under Section 164 Cr.P.C. is not denied, though it is submitted that she has supported the prosecution case before the learned trial court. It is verified that the petitioner is not involved in any other criminal case.

Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if

released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Satender Yadav is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

September 8 , 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No