

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

CRM-M No. 19750 of 2017(O&M)

Date of decision: 2.6.2017

Anurudh @ Vijay @ Lattar

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No. 21 dated 22.01.2013 registered with Police Station Focal Point, Ludhiana for offence punishable under Sections 376, 506 of the Indian Penal Code, 1860.

Counsel for the petitioner has submitted that the petitioner was arrested in the case on 22.04.2013 and he is behind the bars for the past more than 4 years. It is further submitted that the prosecution has failed to conclude its evidence despite expiry of number of years since the challan was presented. It is further submitted that the material witness namely the prosecutrix has already been examined but the trial is being prolonged for want of presence of mother of the prosecutrix who is not coming forward to depose despite repeated processes issued by the Court for the past one year to secure her presence. It is further submitted that as the prosecution is likely to take some more time to conclude its evidence, he may be released on bail.

Counsel for the State has submitted that the prosecution has already examined 8 witnesses and given up 3 more and only 4 witnesses remain to be examined. Meena Devi, mother of the prosecutrix is yet to be examined whose service could not be effected despite various processes issued by the Court for the purpose. It is argued that as the material witness namely Meena Devi is yet to be examined, the petitioner may not be released on bail.

I have heard counsel for the parties, perused the paper-book and the police records.

Concededly, the petitioner is in custody for the past more than 4 years. The accused has a right of speedy trial. Meena Devi, author of the FIR has not come forward to depose in the case despite the fact that the prosecutrix has already been examined. The case is stated to be pending in the first week of July 2017 for the remaining evidence. The trial Court is directed to conduct day-to-day proceedings in the case in order to ensure that prosecution evidence is concluded on or before 31.07.2017. In case the prosecution fails to conclude its evidence by that date, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

JUNE 2, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no