

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

CRM-M-28338-2017

Date of decision: 17.11.2017

Raj Kumar alias Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. A.S. Dhaiwal, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

The instant petition under Section 439 Cr.P.C. has been filed by the petitioner for grant of regular bail to him in case FIR No. 137 dated 13.04.2015, under Sections 376/ 511 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Jodhewal, District Ludhiana City.

It is contended by learned counsel for the petitioner that the petitioner has been in custody since 13.04.2015. He argues that out of total 13 witnesses only five have been examined and two have been given up, however, the complainant and the prosecutrix are not presenting themselves in Court despite the fact that several opportunities have been given to them.

Mr. A.S. Dhaiwal, learned DAG, Punjab, on instructions from ASI Bhajan Singh, opposes the grant of regular bail, however, is not able to dispute the fact that the complainant and the prosecutrix have not submitted themselves to the Court despite being summoned to do so. It is brought to the notice of this Court that the prosecutrix and the complainant have left

Ludhiana and have gone to Bihar at the moment and they are not traceable.

I have heard learned counsel for the petitioner as well as the learned counsel for the respondent-State.

Without going into the merits of the case and keeping view of the fact that the petitioner has been in custody since 13.04.2015 and the trial is not likely to be concluded in near future on account of the fact that the complainant and the prosecutrix are not available, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

17.11.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.