

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

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**CRM-M-32105-2017
Date of Decision: 20.09.2017**

Roop Kashyap

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 554 dated 24.08.2016, under Section 346 IPC (Section 363, 366-A, 370 IPC and Section 6 and 17 POSCO Act added later on), registered at P.S. Surajkund, Faridabad Haryana.

Learned counsel for the petitioner contends that the petitioner herein has been in custody since 12.01.2017 and the statement of the complainant has been recorded. It is argued that there is variance between the statement of the victim and the contents of FIR. It is also argued that after the petitioner had been taken into custody, the prosecutrix has again disappeared as would be evident from Annexure P-2 and the statement recorded therein and there is delay of 16 days by mother of the prosecutrix in lodging the FIR in question at the behest.

Learned counsel for the respondent opposes the grant of regular bail to the petitioner, however, he is not in a position to dispute the fact that the young prosecutrix has again disappeared. Resultantly, another FIR No. 64 dated 26.03.2017, under Section 363 IPC, has been lodged at Police Station PulPrahlaḍPur, South East Delhi.

I have heard learned counsel for the parties.

It is noted that the petitioner has been in custody since 12.01.2017 and the statement of the complainant has been recorded. It is also noted that the prosecutrix is not available on account of the fact that she is missing again. Without commenting upon the merits of the case, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(JAISHREE THAKUR)
JUDGE

September 20, 2017

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No