

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

CRM-M-45818-2017
Date of decision: 07.12.2017

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen S. Bhardwaj, Advocate
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 72 dated 17.07.2016, under Sections 376, 506 of the IPC and Section 3 of the SC/ST Act, registered at Women Police Station, Jhajjar, District Jhajjar.

Learned counsel for the petitioner contends that the allegations under Section 376 would not be made out as a reading of the FIR would itself show that the rape was committed on the pretext of marriage. It is further contended that the petitioner is in custody since 17.07.2016 and a perusal of the order dated 22.11.2017 passed by the Additional Sessions Judge would reveal that the prosecutrix and her parents have been summoned on several occasions through normal course, bailable warrants and even through non-bailable warrants, however, despite several opportunities having been given, they have not come forth which shows that they are evading appearance in Court just to delay the proceedings.

Mr. P. P. Chahar, DAG, Haryana, has appeared on behalf of respondent-State and contested the bail application. He opposes the grant of regular bail by submitting that the material witnesses are yet to be examined.

I have heard learned counsel for the parties.

Since the petitioner is in custody since 17.07.2016 and the trial is likely to take some time as the prosecutrix and her parents are not appearing before the trial Court despite being granted several opportunities, this Court feels that no useful purpose would be served in keeping the petitioner in custody furthermore. Hence, 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.

However, any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

07.12.2017

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No