

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

CRM-M-18823-2018 (O&M)

Date of Decision: 02.07.2018

Balvir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Shaurya Puri, Advocate
for the petitioner(s).

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No.160 dated 25.11.2017, registered under Sections 376, 385 and 386 of IPC at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner contends that the complainant had made allegations that the petitioner had taken away her gold but after police remand it could not recover any gold nor any obscene pictures were recovered. He urges that the complainant has made a statement in Court today and her daughter was also summoned but she failed to appear and the victim is 42 years old who has alleged that she was raped but she has given different dates in her statement to the police and to the medical officers.

The previous *zimni* orders show that the State counsel has submitted that the complainant was summoned for 12.06.2018. It had also been pointed out by the petitioner on the last date of hearing, that the complainant had not appeared for the last 3 dates.

Learned State counsel informs that the case was fixed today and the statement of the complainant has been fully recorded but her daughter did not appear though she had been served for today.

The victim is the daughter of the complainant who is 42 years old. As per the contents of the FIR, the victim was in a relationship with the petitioner prior to her marriage. After her divorce, the victim came in contact with the petitioner and the allegations are that she was raped and a demand of Rs.5 lacs was made from her.

There is a delay in lodging the FIR. Contradictory statements have been made by the victim to different agencies. The complainant had been avoiding stepping into the witness box. Her statement has now been recorded. The trial would take time. Without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

July 02, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No