

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

CRM-M-24241-2018 (O&M)
Date of Decision: July 02, 2018

Vijaypal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K. Tripathi, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, 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.262 dated 05.12.2017 under Sections 365/376 of Indian Penal Code registered at Police Station Ateli, District Mahendergarh.

Learned counsel for the petitioner contends that the prosecutrix had left in the company of the petitioner voluntarily and in this regard had also submitted an application to the Chief Judicial Magistrate, Rewari that no action should be taken against anyone. In the application, it has been submitted that the applicant had gone on a tour of her own free and independent will, without any allurement. It is further contended that no such decision has been taken on the application, however the petitioner was arrested and has been in custody since 21.12.2017. It is also submitted that an effort has been made by the police to get her blood sample taken for

conducting a DNA test and notices had been issued under Section 160 Cr.P.C. in this regard, however, the prosecutrix did not come forth.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature. However, does not dispute the fact that notices had been issued to the prosecutrix under Section 160 Cr.P.C. to which the prosecutrix failed to respond. As regards the contention raised by the learned counsel for the petitioner regarding the application referred to, it is contended that the said application cannot be relied upon since the same is not signed.

I have heard learned counsel for the parties and have perused the record of the case.

Since, the trial is likely to take some time and in view of the facts that the matter has been investigated and the prosecutrix has failed to come forth in response to the notices issued under Section 160 Cr.P.C., no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bonds and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

July 02 , 2018

seema

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No