

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

Crl. Misc. No.M-2892 of 2018

Date of decision : 24.08.2018

Arshdeep Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. J.S. Banwait, Advocate for
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No. 112 dated 11.11.2017, registered under Sections 376, 511 IPC, Police Station Behram, District SBS Nagar.

Counsel for the petitioner contends that the prosecutrix has still not appeared for her statement and the case had been adjourned on the last date to enable them to fully cross-examine the victim. The counsel further submits that there were exchange of number of calls and they had summoned the record from Airtel and therefore, the prosecutrix is now avoiding the witness box and is delaying the case. The counsel has placed on record the last zimni order. The counsel further submits that the girl was major and the allegations are that the petitioner had attempted to commit rape whereas the fact is that both of them were together and the family member arrived and they were seen together and the girl was beaten up by the family. Counsel submits that there were other children in the house at that time.

The case had been adjourned twice so that the cross-examination on the victim could be completed. The prosecutrix had not appeared even on the last date of hearing. The trial would take time. Considering the factual aspects but without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate with the condition that the petitioner will not visit the village till the cross-examination on the prosecutrix is completed and undertaking in this regard would be given while furnishing bonds.

24.08.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No