

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

CRM-M-37361-2018

Date of Decision: 04.09.2018

Abhishek Chauhan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Karan Singh, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.63 dated 30.10.2017, registered under Sections 344, 365, 376(2)(n), 370, 313, 323, 328, 354-A, 354-C, 506, 120-B IPC and Section 5 of Immoral Trafficking Act at Police Station Women Kaithal.

Learned counsel for the petitioner contends that the petitioner is in custody since 30.10.2017 and the FIR has been lodged by the sister of the victim as she had received a call from her sister that she had been raped and she was being sold. Counsel states that the they have placed on record the photographs to show that the victim was married to the petitioner and she was missing from the house for the last 4 months but the family had not lodged the missing report as they were satisfied that the girl had got married and she was major. Counsel further submits that victim had earlier lodged an FIR against another person relating to an incident which had occurred in May, 2014.

A perusal of the MLR shows that the victim had give the history of rape in 2014 and she had alleged that she had been kidnapped by the petitioner about 3 months ago. She also refers to an abortion which was carried out 1 ½ months earlier in a clinic in Kaithal. The parents live in Ambala.

Another FIR had been registered by the prosecutrix alleging rape against some other person. The complainant and the prosecutrix have been examined by the trial Court.

The petitioner is in custody for over 11 months. The trial is taking 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 bail bonds to the satisfaction of the trial Court/Duty Magistrate.

September 04, 2018*ps-I***(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No