

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

CRM-M-41025-2018 (O&M)

Date of Decision: 28.11.2018

Raj Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner(s).

Ms. Jaspreet Kaur, A.A.G., Punjab.

Mr. Rajesh Kapila, Advocate
for the complainant.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.0059 dated 27.05.2018 registered under Sections 376, 363, 366 & 120-B IPC at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner is in custody since 31.05.2018. Counsel submits that the petitioner and the prosecutrix were having an affair and she left home on 23.05.2018 but the FIR was lodged after four days. Counsel states that they had gone to Jakhal together and the family was insisting on their return but the girl had threatened suicide. They did return after four days but she refused to make a statement and the statement was recorded after 3 months but she does not allege rape. Counsel further submits that the girl is major and to delay the

trial, an application under Section 319 Cr.P.C. was filed which had been dismissed. It is also stated that the girl has now got married and she is not appearing in the Court.

Learned State counsel informs that the petitioner was already married and he took the unmarried girl with him and the prosecutrix in her statement in the Court has made allegations of rape. It is also stated that the FSL report was positive as the medical was conducted on 26.05.2018.

The prosecutrix is not coming forward to make her statement. The girl was major. Statement under Section 164 Cr.P.C. was given after 3 months. The prosecution will have to explain at the trial with respect to the delay in making that statement.

Considering the above facts and as the trial would take time, petition is allowed. Petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate with a condition that the petitioner will not contact the prosecutrix or her family or her relatives/in-laws in any manner.

November 28, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No