

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

CRM-M-46930-2018 (O&M)

Date of Decision: 30.10.2018

Narender @ Bachi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.373 dated 08.07.2017 registered under Sections 323, 506 & 34 IPC (Sections 364, 376 (D) IPC & Section 3 (1)(w)(ii) SC/ST Act added later on) at Police Station Meham, District Rohtak.

Learned counsel for the petitioner contends that the petitioner is in custody since 28.09.2017 and the complainant had died and the prosecutrix is not appearing and warrants have been issued. The victim is a married woman who did not lodge the FIR but she made a statement subsequently. Counsel submits that regarding the incident, the husband of the prosecutrix had lodged an FIR which was registered under Sections 323, 34 & 506 IPC and the allegations subsequently are that the petitioner had raped the victim in the presence of the husband.

The prosecutrix had not appeared in the witness-box. Warrants have been issued against her. The petitioner is in custody for over a year.

The trial has got delayed. Without commenting anything on the merits of the case, the 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.

October 30, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

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