

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

CRM-M-49492-2018 (O&M)

Date of Decision: 28.11.2018

Kamal and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Mahendra Pal, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, A.A.G., Haryana.

ANITA CHAUDHRY, J

Petitioners are seeking regular bail in FIR No.32 dated 17.07.2017 registered under Section 506 IPC and Section 6 of POCSO Act at Women Police Station Women, Sector-5, Panchkula, Haryana.

Learned counsel for the petitioners contends that the petitioners are in custody since July, 2017 and though the charge had been framed in December, 2017 but the complainant and the prosecutrix are not appearing. He states that on the last date of hearing, *zimni* orders were also placed on record and service is not being effected on the main witnesses.

Learned State counsel states that they have been unable to trace the complainant and the victim as they have shifted their residence and the Investigating Officer is yet to locate them.

Reply in this regard has also been filed by the State counsel.

The victim and the complainant cannot be traced by the police.

The trial will be delayed. Petitioners are in custody for over a year, therefore, in the given circumstances, petition is allowed. Petitioners are ordered to be released on bail on their furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate. There would be a rider that the petitioners would not contact the victim and the complainant as it was told that they are related to each other.

November 28, 2018

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No