

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-50037 of 2018

Date of Decision: 17.12.2018

Rajesh @ Rajiv

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. V.P.Sangwan, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 52 dated 22.3.2014 registered at Police Station Loharu, District Bhiwani under Sections 376, 506 IPC.

Counsel for the petitioner contends that petitioner is in custody since 29.4.2018. Counsel further submits that petitioner was wrongly declared proclaimed offender as he is a resident of Rajasthan and there is a dispute regarding the accounts and the husband of the complainant had come to settle the accounts on 1.3.2018 and thereafter both the couple had come to him and since the settlement could not be effected, the FIR was lodged and there is a delay in reporting the incident of alleged rape. Counsel also submits that there is no MLR and the prosecutrix was avoiding the witness box and ultimately her bailable warrants were issued and the complainant's statement has been recorded and they are ready to offer heavy and local surety.

State counsel informs that 13 witnesses have been recorded out of 22 and four have been given up.

State counsel has produced on record the statement given by the serving Constable according to which proclamation was effected in the village of the petitioner. Petitioner is in custody since 29.4.2018. The main witnesses have been examined. The prosecutrix was avoiding the witness box and her bailable warrants were issued.

Without commenting anything on the merits of the case and considering the entirety, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing two local sureties and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

December 17, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No