

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

CRM-M-52834-2018 (O&M)

Date of Decision: 06.12.2018

Rahul

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rajesh Hooda, 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 of IPC (Sections 364, 376-D IPC and Section 3(i)(1)(w)(2) of 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 10.07.2017 and 5 witnesses out of 28 have been examined. Counsel states that the prosecutrix is a married woman and she is not coming forward to make her statement and even warrants have been issued. Counsel further stated that the FIR was registered on the statement of the husband who only alleged about the injuries inflicted upon him and two days later, the wife complained of rape and Section 3 of SC/ST Act was added. Counsel states that Narinder co-accused had been allowed bail.

Counsel refers to Annexure P-2.

The prosecutrix is not appearing in the witness-box though she was present on 14.11.2018. On that day, she could not be examined as the defence counsel was not well. The victim was bound down for 26.11.2018 but she failed to appear on that day and even on 04.12.2018.

The petitioner is in custody for over 1 year and 4 months. The trial would take time. Without commenting anything on the merits of the case, petition is allowed. 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 with a condition that the petitioner would not contact the victim in any manner directly or indirectly.

December 06, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No