

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

**Crl. Misc. No. M-7900 of 2018
Date of Decision: 28.02.2018**

Anuj Gupta

.....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.581 dated 05.09.2017 registered at Police Station City Bhiwani, District Bhiwani under Section 346 IPC (subsequently added Sections 365, 376(2)(n) IPC).

Counsel for the petitioner contends that the petitioner is in custody since 15.09.2017 and the prosecutrix is a married woman who had come from Bhiwani to Gurgaon on her own and stayed with the petitioner and it was a case of consent and the case had been adjourned a number of times and the prosecutrix is not appearing for her statement and earlier bailable warrants were issued which was served and still she fail to appear and non-bailable warrants of arrest have been issued against her. He has placed on record a copy of the order.

In the statement given to the Chandigarh Police under Section 161 Cr.P.C., the victim had stated that she was not happy with her husband

and had willingly gone along with the petitioner.

Order dated 20.02.2018 shows that the prosecutrix is not appearing despite service throughailable warrants. Non-ailable warrants of arrest have been issued. It appears that she is avoiding the witness-box.

The trial will take long time and without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

February 28, 2018

ps-I

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