

217.

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

CRM-M-31731-2019

Date of decision: 31.10.2019

SIDHARTH GAUTAM

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kamaljeet Rana, Advocate, for
Mr. Ramesh Hooda, Advocate, for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.74 dated 15.06.2019 registered under Sections 376, 506 of IPC at Women Police Station, District Panchkula.

Counsel appearing on behalf of the petitioner states that after getting the aforesaid FIR registered, the prosecutrix is not coming forward to depose in the case. He further states that the petitioner was in relationship with the prosecutrix and it is on account of some money dispute, the present FIR has been registered. The petitioner, who is running a small cloth shop, had borrowed a sum of Rs.20,000/- from the prosecutrix, which were duly returned to her. The petitioner is in custody since 15.06.2019. The case was fixed for prosecution evidence before the trial Court on 03.10.2019, 11.10.2019 and today i.e. 31.10.2019, but she has not come forward to depose in the case despite having been issued bailable warrants. There is no

medical to support the case of the prosecution that rape was ever committed upon her in any manner. The prosecutrix is delaying the trial intentionally.

Learned State counsel, on instructions from ASI Karamjit Kaur, does not dispute the custody and the fact that there is no medical evidence for the offence of commission of rape. She also submits that bailable warrants were issued to the prosecutrix, but she is not coming forward to depose in the case.

I have heard learned counsel for the parties.

Petitioner is in custody since 15.06.2019 and despite having been granted opportunity to the prosecutrix to depose in the case on 03.10.2019, 11.10.2019 and 31.10.2019 (today), she has not come forward to depose in the case, the trial in the case will take long time to conclude, therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

31.10.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No