

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
201 (PROCEEDINGS THROUGH V.C.)**

CRM-M-50512-2019

Date of decision: 09.06.2020

MONU

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Chanderhas Yadav, Advocate,
for the petitioner.**

**Mr. Apoorv Garg, DAG, Haryana,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail in FIR No. 62 dated 14.06.2019 registered under Sections 376, 506 IPC and Section 3 of SC/ST Act, at P.S. Women Jhajjar.

It is the contention of the counsel for the petitioner that the prosecutrix having been summoned by the Court on various occasions, had not turned up despite issuance of bailable warrants. He contends that the petitioner, who is a young boy of 18 years, has completed a few days less in one year in custody. He contends that one of the witnesses, namely, Sonia, PW-1, in front of whom the complainant had made a statement with regard to the commission of offence by the petitioner forcibly, has not supported the case of the prosecution while appearing on 12.03.2020. The

statement of the said witness has been appended as Annexure P-10. Counsel contends that this is the only witness who has appeared before the Court and out of 17 witnesses, 16 witnesses are still to be examined. He contends that the next date of hearing before the trial Court is 15.07.2020 but with the prevailing situation of pandemic, there is a possibility that the case be adjourned. Prayer has, thus, been made for the grant of regular bail keeping in view the young age of the petitioner and there being no other case against him.

On the other hand, counsel for the State contends that as per the statement of the prosecutrix under Section 164 Cr. P.C., she had clearly stated with regard to the commission of rape by the petitioner. As per the report of the lab, the semen, which has been found on the *salwar* of the prosecutrix was found, to be that of the petitioner. He, however, could not dispute the fact that PW-1 Sonia has turned hostile and there are still 16 witnesses to be examined.

I have considered the submissions made by the counsel for the parties and keeping in view the conduct of the complainant/prosecutrix, who despite having been summoned by the Court and having been duly served, has failed to appear before the trial Court resulting in delay of proceedings with one of the main witness, namely, Sonia wife of Sanjay PW-1 having not supported the prosecution case and the trial not likely to conclude in near future as 16 witnesses are still to be examined and almost one year has passed by since the petitioner was arrested and the present situation also creates a doubt with regard to the proceedings before the trial Court on the next date of hearing which is 15.07.2020, the present application is allowed. Petitioner is directed to be released on regular bail

on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

June 09, 2020

pj

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No