

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

CRM-M No.15150 of 2021 (O&M)

Date of Decision:06.09.2021

Naresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sahil Gupta, Advocate for
Mr. Anoop Kumar Yadav, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.386 dated 28.11.2019 registered under Sections 363, 366, 376-D, 506, 201, 34 IPC (Section 346 deleted later on) at Police Station Nangal Choudhary, District Mohindergarh.

Learned counsel for the petitioner would contend false implication by contending that the complainant, despite nonailable warrants having been issued, is not stepping forth to have her statement recorded. It is also contended that earlier the petitioner had approached this Court for grant of regular bail in CRM-M No.30872 of 2020, which was dismissed as withdrawn, as statement of the prosecutrix had not been recorded by that time. It is submitted that the petitioner is in custody since 16.03.2020 and would be entitled to regular bail as the prosecutrix herself is not coming forth.

On the asking of this Court, whether the statement of the

prosecutrix had been recorded pursuant to the orders passed in October, 2020, learned counsel for the respondent-State informed that every effort has been made by the Investigating Officer-ASI Rajwanti to try and locate the complainant/prosecutrix but she is untraceable. Non-bailable warrant issued have also been returned unexecuted.

In view of the fact that the prosecutrix herself is not forthcoming for recording her statement, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

September 06, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No