

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-43332-2020

Date of Decision : 08.02.2021

Kamal

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jarnail Singh Saneta, Advocate for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 29 dated 08.07.2019, under Sections 376, 506 IPC, registered at Police Station Industrial Sector 29, Panipat, District Panipat.

Learned counsel for the petitioner argues that the allegations which have been alleged against the petitioner are false and rather the prosecutrix, who was earlier married to the uncle of the petitioner, had borrowed Rs. 30,000/- from him and it was only when the prosecutrix was required to return the said amount, the petitioner has been falsely implicated in the present FIR. Learned counsel for the petitioner submits that the prosecutrix is not appearing before the Court for her examination despite

the fact that the bailable warrants were issued against her. Learned counsel

further submits that on 04.02.2021, to secure the presence of the prosecutrix, non-bailable warrants have been issued and therefore, keeping in view the conduct of the prosecutrix, especially, when the petitioner is already behind the bars for the last more than one and half year, the petitioner is entitled for the grant of regular bail.

Learned State counsel does not dispute the statement that the petitioner is behind the bars for the last more than one and half year and that the prosecutrix, despite service of the bailable warrants, has not appeared before the Court for her examination and now non-bailable warrants have been issued to secure her presence.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Prosecutrix is not appearing for her examination in the trial and *prima-facie*, the trial is being delayed keeping in view her conduct and now the non-bailable warrants have been issued to secure her presence. Keeping in view the said fact, the trial is likely to take some more time before the same is completed and the petitioner is already behind the bars for the last more than one and half year. In the facts and circumstances of this case, petitioner has made out a case for the grant of regular bail in this case.

The petitioner be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 08, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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