

RINKU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.S.Mamli, Advocate
for the petitioner.

Ms. Vibha Tiwari, AAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Rinku-petitioner is seeking regular bail in the case bearing FIR No. 27 dated 30.04.2020 under Sections 376(2)(n)/452/506 IPC, 1860, registered at Police Station Women Police Station Assandh, District Karnal.

Briefly, the case has been registered on the basis of the statement of the prosecutrix alleging that she was subjected to repeated forcible sexual intercourse by the petitioner for a period of about one month. On 25.04.2020 at about 11'o clock, the petitioner forcibly entered the house, threatened the prosecutrix at knife point and committed rape upon her.

It has been contended by the learned counsel for the petitioner that he is in custody for the last about one year and three months, not involved in any other case, the prosecutrix and her husband having supported the prosecution version while appearing in the witness box, the age of the prosecutrix who is a married lady is about 32 years and DNA analysis was inconclusive.

Learned State counsel on instructions of SI Sudesh Kumari has not

the prosecutrix and her husband have not supported the prosecution version but spermatozoa were detected from the clothes of the deceased.

Be that as it may, the report of DNA examination is inconclusive and the prosecutrix and her husband have not supported the prosecution version. Moreover, in her statement recorded in the trial Court, the prosecutrix has not leveled allegations of forcible sexual intercourse against anyone much less against the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

02.08.2021
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(VIVEK PURI)
JUDGE

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