

ANKIT @ AKKI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Ankit @ Akki-petitioner is seeking regular bail in the case bearing FIR No.96 dated 12.03.2020, under Sections 365/376-D/506 IP and Section 25 of Arms Act, 1959, registered at Police Station Meham, District Rohtak, Haryana.

Briefly, the allegations against the petitioner are to the effect that the prosecutrix is aged about 19 years. The petitioner along with the co-accused, namely, Tarun, Rajesh and Sanjit had been harassing her. At the first instance, in the month of October, the prosecutrix was forcibly taken in a car to a hotel near Jind Bypass where Tarun committed rape upon her. The petitioner along with two other accused were guarding the place of occurrence. Subsequently, in the month of December, the petitioner along with three co-accused committed rape upon her. Subsequently, they had been threatening to upload her obscene photographs on social media and to kill her father.

Learned counsel for the petitioner contends that Tarun, Rajesh and Sanjit though juvenile but have been released on bail. The petitioner is facing trial in the Court of learned Special Judge-cum-Additional Sessions Judge, Rohtak. During the course of trial, the victim has been examined but she has not supported the prosecution

version. Even, there is no medical evidence to substantiate the allegations as putforth by the prosecutrix. The petitioner is in custody for a period of 01 year, 07 months and 10 days and so far, only 03 out of 26 witnesses have been examined. The certified copy of the statement has been submitted and taken on record.

On instructions from ASI Renu, learned State counsel has not disputed the fact that the prosecutrix has not supported the prosecution version. The bail has been resisted on the score that the petitioner is involved in 03 other cases.

The custody certificate indicates that though the petitioner is involved in 03 other cases but is stated to be on bail in those cases.

Significantly, in the instant case, the prosecutrix has not supported the prosecution version. During the course of her deposition in the Court, she has specifically and categorically stated that the petitioner has not committed any wrong act with her. So far, only 03 out of 26 witnesses have been examined. The petitioner is in custody for a period of 01 year, 07 months and 10 days. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to 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.

16.09.2022
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(VIVEK PURI)
JUDGE

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