

LALIT

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 354 dated 27.08.2021 under Section 4 of Protection of Children from Sexual Offences Act, registered at Police Station Sector 5, District Gurugram.

Briefly, the FIR has been registered on the allegations that the victim is aged about 17 years. On 26.08.2021, the petitioner had committed penetrative sexual assault upon her.

Learned counsel for the petitioner contends that during the course of trial, the victim and her parents have not supported the prosecution version. Even the report of DNA analysis is inconclusive. The petitioner is in custody for a period of 1 year, 3 months and 15 days. Though the petitioner has been convicted in another case under Section 307 IPC but his sentence has been suspended.

Learned State counsel has opposed the bail application on the score that as per the report of FSL, fresh blood sample of the petitioner is required to be taken and furthermore, out of 16, 8 witnesses have been

examined so far.

It may be mentioned here that the victim and her parents have not supported the prosecution version during the course of trial. The victim has specifically and categorically stated that the petitioner neither stalked nor committed sexual wrong with her. The report of DNA analysis received at this point of time is inconclusive. The petitioner is in custody for a period of 1 year, 3 months and 15 days. So far out of 16, only 8 witnesses have been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would 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. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

14.12.2022

Janki

(VIVEK PURI)
JUDGE

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