

RANJAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajay Singh, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG Haryana.
* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 20 dated 08.03.2021 under Sections 376-D and 506 IPC, registered at Women Police Station, Manser, District Gurugram.

Custody certificate has been taken on record.

Briefly, the allegations are to the effect that the prosecutrix is aged about 21 years. On receipt of telephonic call, she had accompanied the petitioner and co-accused Abhimanyu to a hotel where she was subjected to sexual intercourse. The petitioner and the co-accused even took her bag containing cash and jewellery.

Learned counsel for the petitioner contends that during the course of trial, the prosecutrix has not supported the prosecution version. There is categorical statement of the prosecutrix to the effect that the petitioner established physical relations with her consent and free will. She has also denied the allegations to the effect that her bag containing cash and jewellery was taken by him. She has also deposed to the effect that whatsoever happened between them had taken place with their own free

will. The petitioner neither sexually exploited her nor committed any wrongful act with her by force nor blackmailed her at any point of time. The petitioner is in custody for a period of 9 months and 18 days. Furthermore, co-accused Abhimanyu is absconding.

Learned State counsel has not assailed the factual aspects of the matter and further states that out of 15, only 5 witnesses have been examined so far.

It is significant to note that during the course of trial, the prosecutrix has not supported the prosecution version. Admittedly, she is aged more than 18 years and has made a categorical statement that physical relations were developed with her consent. So far the statements of only 5 out of 15 witnesses have been recorded. The conclusion of trial is likely to take some 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.

09.08.2022

Janki

(VIVEK PURI)
JUDGE

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