

HARSH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Prateek Rathi, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

CRM-26096-2022

This is an application for placing on record the copies of the statements of the complainant and the victim as Annexure P-9. The same is allowed to be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 60 dated 08.02.2022 under Sections 323, 328, 376(2)(n), 506 IPC and Section 6 of Protection of Children from Sexual Offences Act and Sections 75 and 84 of Juvenile Justice Act, registered at Police Station Murthal, District Sonapat.

Briefly, the allegations against the petitioner are to the effect that the victim is aged about 17 years and on 09.12.2021, the petitioner had administered some intoxicant in the cold drink to her and committed rape upon her. He had also prepared her video, blackmailed her and later on committed rape upon her many times.

Learned counsel for the petitioner contends that the statement of the victim during the course of trial has been recorded but she has not supported the

prosecution version. Moreover, no recovery of any such video as put forth in the FIR has been effected. So far only 4 out of 15 witnesses have been examined and the petitioner in custody for about 6 months.

Learned State counsel has not assailed the aforesaid factual aspects but has argued that spermatozoa found on the clothes of the victim have been sent for DNA analysis and the victim is less than 17 years of age. It has further been stated that as per the report of FSL, no spermatozoa has been detected in the vaginal swabs.

Be that as it may, the petitioner is in custody for a period of 6 months and the victim has not supported the prosecution version. Even no spermatozoa has been detected in the vaginal swabs. The receipt of report of DNA analysis with regard to spermatozoa found on the clothes of the victim is likely to take some time. Moreover only 4, out of 15 witnesses have been examined so far and he is not involved in any other case. 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.

09.08.2022

Janki

(VIVEK PURI)
JUDGE

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