

HARI KISHAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arvind Bansal, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

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VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 68 dated 23.06.2021 under Sections 376(3), 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women, District Kaithal.

Briefly, the allegations against the petitioner are to the effect that he had committed rape upon the victim, who is aged about 13 years.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 1 year and 12 days. During the course of trial, the statements of the victim, her father and mother have been recorded and they have not supported the prosecution version. The report of FSL also indicates that the semen could not be detected.

Learned State counsel has opposed the bail application on the score that during the course of medical examination, it has been observed that possibility of sexual intercourse cannot be ruled out.

Be that as it may, the victim as well as her parents have not supported the prosecution version. They have not incriminated the petitioner with the commission of sexual intercourse. Even the report of FSL indicates that no semen was detected. The petitioner is in custody for a period of 1 year and 12 days. Out of 26 only 3 witnesses have been examined so far. The conclusion of trial is likely to take some time and in the aforesaid mitigating circumstance, no fruitful purpose would be served by detaining the petitioner in further custody.

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.

08.07.2022

Janki

(VIVEK PURI)
JUDGE

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