

KARAN ALIAS KUKI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.K.Dahiya, 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. 167 dated 09.03.2022 under Sections 341, 354-A, 354-D IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Kundli, District Sonapat.

Briefly, the FIR has been registered on the basis of the statement of the complainant alleging that his daughter is aged about 17 years and 6 months. On 07.03.2022, she along with her friend, who is aged about 17 years and 10 months were coming back from School on a Scooty. Three persons in a car followed them. The person sitting on the conductor side asked them for the phone number and address. They also misbehaved with them.

Learned counsel for the petitioner contends that no one has been named in the FIR. In the statements under Section 164 Cr.P.C. of the victims, they have only nominated Sahil Dahiya and Guddu. The name of petitioner does not find mention in their statements. Petitioner has been nominated in the disclosure statement of co-accused Sahil. Furthermore, the

petitioner is in custody for a period of 2 months and 4 days. The investigation of the case is complete and challan has been presented in the Court.

Learned State counsel, on instructions of ASI Sanjay, has opposed the bail application on the score that the statements of the victims is yet to be recorded.

Be that as it may, the petitioner is in custody for a period of 2 months and 4 days and is not involved in any other case. The name of the petitioner does not find mention in the statements under Section 164 Cr.P.C. of both the victims. The petitioner has been nominated in the disclosure statement of co-accused Sahil. As such, involvement of the petitioner shall remain a debatable and moot point during the course of trial. The investigation of the case is complete, challan has been presented in the Court and conclusion of trial is likely to take some time. 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.

14.07.2022

Janki

(VIVEK PURI)
JUDGE

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