

SANJEEV @ CHHOTU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Sandhu, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Sanjeev @ Chhotu-petitioner is seeking regular bail in the case bearing FIR No.52 dated 07.09.2020 under Sections 201/323/354-A/354-D/376/384/506 IPC, 1860, registered at Women Police Station, Assandh, District Karnal.

Briefly, the allegations against the petitioner are to the effect that on 20.06.2019, the petitioner had taken her to a room in his house on a motorcycle and committed rape upon her. He also took obscene photographs and video and had been threatening to put the same on social media in the event, she disclosed the incident to anyone. Thereafter, the petitioner had been blackmailing the prosecutrix and demanding money.

Learned counsel for the petitioner contends that there is a delay of about 01 year and 03 months lodging the FIR. The statements of the prosecutrix and her brother have been recorded. Other witnesses are official witnesses. There is no medical evidence to substantiate the allegation of the prosecutrix. Furthermore, there is nothing to indicate that the petitioner had taken any obscene photographs and video of the prosecutrix. The petitioner is in custody for a period of 01 year, 10 months and 21 days and is not involved in any other case.

Learned State counsel has resisted the bail application primarily on the score that the delay in the instant case is inconsequential as the petitioner had been threatening and blackmailing the prosecutrix as he was having obscene photographs and video and during the course of her deposition in the Court, the prosecutrix has supported the prosecution version.

The FIR has been lodged after a delay of period of 01 years and 03 months and there is nothing on record to suggest that after the initial occurrence the petitioner ever sexually exploited the prosecutrix at a subsequent stage. On a query, learned State counsel submits that the mobile phone of the petitioner has not been recovered and no record pertaining to obscene photographs and video could be recovered during the course of investigation. However, the offence under Section 201 IPC has also been added on that score. Even, the medical examination of the victim depicted that no semen was detected. Out of 12, only 02 witnesses have been examined so far. The petitioner is in custody for a period of 01 year, 10 months and 21 days and is not involved in any other case. The prosecutrix and her brother have been examined. The remaining witnesses are official witnesses. As such, it cannot be said that the petitioner can in any manner win over or influence the witnesses. The conclusion of trial is likely to take sometime. No fruitful purpose will 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.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

16.09.2022
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(VIVEK PURI)
JUDGE

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