

SOYAB KHAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anil Kumar Bhardwaj, Advocate with
Mr. Kuldeep Sharma, Advocate for
Mr. Yash Dev Kaushik, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 62 dated 11.02.2022 under Section 376 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Butana, District Karnal.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the allegations that the victim, who is aged about 15 years had gone to pay obeisance at Peer Baba at Nilokheri. The petitioner had been working as Sewadar and he had committed rape upon her.

Learned counsel for the petitioner contends that the victim during the course of trial, has not supported the prosecution version. Even there is no scientific evidence to support the allegations of the prosecution.

Learned State counsel has opposed the bail application only on the score that there are serious allegations of commission of penetrative sexual assault upon the victim, who is aged about 15 years. However,

it has not been disputed that as per the report of FSL, no spermatozoa has been detected. It has also been stated that out of 17, only 1 witness has been examined.

The custody certificate indicates that the petitioner is in custody for a period of 6 months and 13 days. The victim has not supported the prosecution version. Even the report of FSL indicates that no spermatozoa has been detected. Out of 17, only 1 witness has been examined. The petitioner 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.

26.08.2022

Janki

(VIVEK PURI)
JUDGE

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