

YUSUF

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

VIVEK PURI, J. (ORAL)

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

Yusuf-petitioner is seeking regular bail in the case bearing FIR No.08 dated 14.01.2021 under Sections 376/34 IPC, registered at Police Station Pinangwa, District Nuh.

Briefly, the allegations against the petitioner and the co-accused are to the effect that on 11.01.2021, they had committed rape upon the victim.

Learned counsel for the petitioner contends that the prosecutrix is aged about 36 years. During the course of trial, the prosecutrix and the complainant who is stated to be eye-witness have not supported the prosecution version. The petitioner is in custody for a period of 01 year, 06 months and 14 days.

On instructions from SI Jagdish Chand, learned State counsel has not disputed the aforesaid factual aspects and opposed the bail application on the ground that the report of DNA analysis has not yet been received. However, it has not been disputed that the semen was found only on the clothes of the

prosecutrix. So far, out of 14, 08 witnesses have been examined.

The custody certificate indicates that the petitioner is in custody for a period of 01 year, 06 months and 14 days and is not involved in any other case. The prosecutrix and the complainant have not supported the prosecution version. The prosecutrix has specifically and categorically stated that the petitioner had not done any wrong act with her. The receipt of report of DNA analysis is likely to take sometime. So far, only 08 out of 14 witnesses have been examined and the conclusion of the trial is likely to take some time. 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.

07.09.2022
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(VIVEK PURI)
JUDGE

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