

CRM-M-42349-2022

Date of Decision: 20.09.2022

SUNIL KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhcharan Singh Gill, Advocate for the petitioner.
Mr. Karan Garg, AAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 147 dated 31.03.2022 under Sections 376(2)(n), 506 IPC, registered at Police Station Palam Vihar, District Gurugram.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the statement of the prosecutrix alleging that on 25.02.2022, the petitioner who was acquainted with her had taken her in a car to a secluded place. He committed wrong act against her will and also made video. By taking the excuse of the video, the petitioner had been doing wrong act with the petitioner against her will time and again. The prosecutrix is stated to be 33 years old.

Learned counsel for the petitioner contends that during the course of trial, the prosecutrix has not supported the prosecution version. The petitioner is in custody for a period of 5 months and 15 days and not involved in any other case.

Learned State counsel has argued that out of 17, only 4

witnesses have been examined so far. Moreover, the report of FSL has not

yet been received.

It is significant to note that in her statement recorded during the course of trial, the prosecutrix has not supported the prosecution version. She has specifically and categorically stated that she had developed physical relations with the petitioner with mutual consent and free will. Even there was no commitment with each other and the petitioner never made any promise for marriage. The petitioner had neither prepared any objectionable video nor threatened to viral any objectionable photograph or video. The petitioner is in custody for a period of 5 months and 15 days. So far only 4 witnesses have been examined. 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.

(VIVEK PURI)
JUDGE

20.09.2022

Janki

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