

SHARVAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh, Advocate for
Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Ashwani Gaur, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

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

Sharvan-petitioner is seeking regular bail in the case bearing FIR No.289 dated 19.07.2021 under Sections 354-A/376(2)(n)/452/506/511/34 IPC, registered at Police Station Kalanour, District Rohtak.

Briefly, the FIR has been registered on the allegation that the petitioner had committed rape upon her.

Learned counsel for the petitioner contends that the prosecutrix is a married lady aged about 22 years. Her statement during the course of trial has been recorded and she has not supported the prosecution version. Moreover, the petitioner is in custody for a period of about 01 year and 10 days and out of 18, only 03 witnesses have been examined so far. Furthermore, there is no supporting scientific evidence to indicate the commission of rape.

On instructions from SI Harbhay, learned State counsel has not assailed the aforesaid factual aspects.

The prosecutrix is a married lady aged about 22 years and she has not supported the prosecution version during the course of trial. Her statement indicates that she has categorically stated that the petitioner had not committed any wrong act with her. The petitioner is in custody for a period of about 01 year and 10 days and out of 18, only 03 witnesses have been examined so far. 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.

03.08.2022
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(VIVEK PURI)
JUDGE

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