

CRM-M-47217-2022

Date of Decision: 18.10.2022

HARDEEP ALIAS BUGLA

.....Petitioner

Vs.

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Raj Kapoor Malik, 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.

The petitioner is seeking regular bail in the case bearing FIR No.119 dated 20.09.2021, under Sections 376, 506 of IPC later on added Sections 323, 450 of IPC 1860 registered at Women Police Station Kaithal , District Kaithal .

Briefly, the FIR has been registered on the basis of the statement of prosecutrix alleging that on 20.09.2021 in the afternoon she was alone in the house. The petitioner entered the house, committed rape upon her, clicked her nude photographs and threatened to kill her.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 1 year and 24 days and not involved in any other case. The statement of the prosecutrix in the trial Court has been recorded and two other public witnesses have been given up being unnecessary. Furthermore, the present case has been registered on account of the monetary dispute between the petitioner and uncle of the prosecutrix.

Learned State counsel has opposed the bail application on the score that there are categorical allegations levelled by the prosecutrix in the FIR, with

regard to commission of rape against the petitioner. Furthermore, the blood was also found on the vaginal swabs, clothes of prosecutrix and bedsheet. So far, out of 19, only one witness has been examined and two witnesses have been given up. However, it has not been disputed that the prosecutrix was more than 18 years of age at the time of occurrence and all the remaining witnesses are stated to be official witnesses.

The petitioner is in custody for a period of more than one year and so far only one witness has been examined. The Statement of the prosecutrix has been recorded in the trial Court. Two independent witnesses have also been given up and remaining witnesses are stated to be official witnesses. In such circumstances, it cannot be said that the petitioner can in any manner win over or influence the witnesses. The petitioner is in custody for a period exceeding one year and is not involved in any other case. The genuineness of defence version of the petitioner is to be adjudicated during the course of trial. The conclusion of trial is likely to take time and no fruitful purpose will be served by detaining the petitioner in further custody.

In these set of circumstances, 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.

18.10.2022
priyanka

(VIVEK PURI)
JUDGE

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