

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10378-2023

Date of Decision: 12.07.2023

SATYAWAN SINGH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Marinal Sharma, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 781 dated 21.12.2021 under Sections 363, 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, , registered at Police Station Sector 10, Gurugram, Haryana.
2. Custody certificate and reply by way of affidavit of Naveen Sharma, Assistant Commissioner of Police, Palam Vihar, Gurugram on behalf of the State have been taken on record.
3. Learned counsel for the petitioner contends that the FIR has been registered at the instance of the mother of the victim, who is stated to be aged about 14 years. The allegations putforth against the petitioner are to the effect that he is running a *dhaba* and had committed penetrative sexual assault upon the victim. During the course of trial, the victim and her mother have not supported the prosecution version. Even as per the report of FSL, no semen could be detected from the vaginal and cervical swabs. The

petitioner is in custody for a period of 1 year, 6 months and 5 days and not involved in any other case.

4. Learned State counsel, on instructions of ASI Rajesh, has not disputed the aforesaid factual aspect and further submitted that out of 17, 6 witnesses have been examined.

5. It is significant to note that the victim and her mother have not supported the prosecution version. Even as per the report of chemical examiner, no semen has been detected. Still 11 more witnesses are required to be examined. The petitioner is in custody for a period of 1 year, 6 months and 5 days and not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. 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.

7. The petition is allowed.

12.07.2023

Janki

**(VIVEK PURI)
JUDGE**

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