

Date of decision: 24.04.2023

...PETITIONER

STATE OF HARYANA

...RESPONDENT

Present: Mr. Sandeep Saini, Advocate for
Mr. Sahil Choudhary, Advocate for the petitioner.

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

2. Sajid-petitioner is seeking regular bail in the case bearing FIR No.424 dated 22.09.2022 under Section 376 IPC registered at Police Station Sadar Yamunanagar, District Yamunanagar.

3. Learned counsel for the petitioner contends that the petitioner is the uncle-in-law of the prosecutrix. The prosecutrix is aged about 24 years and as per the allegations, the petitioner had committed rape upon her. During the course of trial, the prosecutrix has not supported the prosecution version. The petitioner is in custody for a period of 07 months and is not involved in any other case. He further submits that no sample of the petitioner for DNA analysis was ever procured.

4. Learned State counsel has opposed the bail application on the score that there are serious allegations levelled against the petitioner and so far, out of 12, 04 witnesses have been examined. He further submits that the report of FSL has not yet been received.

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5. The petitioner is in custody for a period of 07 months and is not involved in any other case. The prosecutrix has not supported the prosecution version during the course of trial. In her statement, the prosecutrix has categorically and specifically stated that the petitioner neither visited her house on 21.03.2023 nor committed rape upon her at any point of time. Even, the report of FSL has not been received. So far, out of 12, 04 witnesses have been examined. The conclusion of trial is likely to take sometime. 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.

6. 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.

7. The petition is allowed accordingly.

24.04.2023

*renubala***(VIVEK PURI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No