

2023:PHHC:087494

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

CRM-M-21247-2023

Date of Decision: 13.07.2023

ASHIF KHAN

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Dr. Malvika Singh, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 224 dated 05.12.2021 under Sections 376(2)(n), 506, 343, 365 and 450 IPC registered at Police Station Dhauj, District Faridabad.
2. Reply by way of affidavit of Sudhir Kumar Taneja, Assistant Commissioner of Police, Mujesar, Faridabad and custody certificate have been placed on record.
3. Learned counsel for the petitioner contends that initially the allegations were levelled against the petitioner and two other persons. However, the challan has been presented only against the petitioner. The prosecutrix was more than 18 years of age at the time of occurrence. During the course of trial, the prosecutrix and her father have not supported the prosecution version.
4. Learned State counsel has not disputed the aforesaid factual aspects and further submits that out of 17, 03 witnesses have been examined till date.

5. Custody certificate indicates that the petitioner is in custody for a period of 1 year, 07 months and 02 days. Though, he is stated to be involved in another case under Sections 498-A and 406 IPC but it is significant to note that the prosecutrix and her father have not supported the prosecution version. The prosecutrix is stated to be more than 18 years at the time of occurrence. Still 14 witnesses remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

13.07.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No