

or commission of penetrative sexual assault. The petitioner is in custody for a period of 5 months and 18 days.

5. Learned Public Prosecutor for U.T. Chandigarh has opposed the bail application on the score that the victim has been recovered on 01.02.2023 and in her statement under Section 161 Cr.P.C. she had disclosed that the petitioner had developed sexual relations with her. After a period of 7 days, she was taken to U.P. where she stayed in the house of the maternal aunt of the petitioner and had been developing sexual relations with the petitioner in the absence of his aunt. The victim is less than 18 years of age. However, it has not been disputed that in her statement under Section 164 Cr.P.C., the victim has not imputed any allegation against the petitioner and has also not supported the prosecution version during the course of trial. Out of 17, only 3 witnesses have been examined till date.

6. It is significant to note that during the course of trial, the victim has not supported the prosecution version. She has specifically stated that the petitioner had not done anything wrong with her. Even she had refused for her internal medical examination. The petitioner is in custody for a period of about 5 ½ months and out of 17, 3 witnesses have been examined and 14 still remain to be examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. 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.

8. The petition is allowed.

(VIVEK PURI)
JUDGE

20.07.2023
P.Bhatt

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