

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

**CRM-M-54253-2023**

**Date of decision: 06.11.2023**

**JAHID @ ZAHID HUSSAIN**

**...PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. R.N.Lohan, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

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**VIVEK PURI,J. (ORAL)**

1. Custody certificate of the petitioner has been placed on record.
2. Jahid @ Zahid Hussain-petitioner is seeking regular bail in the case bearing FIR No.47 dated 05.02.2022 under Sections 376/450/511/452/506 IPC, registered at Police Station Nagina, District Nuh.
3. Learned counsel for the petitioner contends that as per the allegations in the FIR, the prosecutrix was aged about 19 years and the petitioner had committed rape upon her after trespassing in her house during the intervening night of 4/5-02.2022. During the course of trial, the prosecutrix and her brother have not supported the prosecution version. As per the report of FSL, no spermatozoa has been detected. The petitioner is in custody for a period of 05 months and 28 days and not involved in any other case.
4. On instructions from L/SI Vinita, learned State counsel has not disputed the aforesaid factual aspects and has submitted that out of 14, 05 witnesses have been examined.
5. It is significant to note that during the course of trial, the prosecutrix and her brother have not supported the prosecution version. The statement of the prosecutrix indicates that the petitioner had not committed rape upon her at any

CRM-M-54253-2023

-2-

point of time. Even, the report of FSL is negative. The petitioner is in custody for a period of 05 months and 28 days and not involved in any other case. Still 09 witnesses remain to be 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.

06.11.2023

*renubala*

(VIVEK PURI)  
JUDGE

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