

CRM-M-60501-2022

Date of decision: 06.01.2023

AAMIL @ AMIR @ AMLI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Surinder Kumar Nagar, DAG, Haryana.

VIVEK PURI, J. (ORAL)

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

Aamil @ Amir @ AmlI-petitioner is seeking regular bail in the case bearing FIR No.132 dated 17.05.2022 under Sections 323/450/376/506/452/120-B/34 IPC registered at Police Station Pinangwan, District Nuh.

As per the allegations of the prosecution, on 16.05.2022, the petitioner had committed rape upon the prosecutrix who is stated to be aged about 20 years.

Learned counsel for the petitioner contends that the prosecutrix is a married lady. The prosecutrix, her mother-in-law and sister-in-law have not supported the prosecution version during the course of trial. Furthermore, as per the report of FSL, no semen has been detected. The petitioner is in custody for a period of 07 months and 08 days and is not involved in any other case.

Learned State counsel submits that out of 20, 07 witnesses have been examined and 13 including some private witnesses are still required to be examined.

Be that as it may the prosecutrix, her mother-in-law and sister-in-law have not supported the prosecution version during the course of trial and as per the report of FSL, no semen has been detected. The petitioner is in custody for a period of 07 months and 08 days and is not involved in any other case. So far, 13 more witnesses are required 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.

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.

The petition is allowed accordingly.

06.01.2023
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(VIVEK PURI)
JUDGE

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