

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26508-2015

Date of Decision: September 29, 2015

Manohari Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Manohari Lal, son of
Ram Singh, resident of House No. DB-1090, Gali No. 1, Main Near
Railway Station, Kailash Nagar, Palwal, who has been booked for
having committed the offences punishable under Sections 120-B,
216, 363, 366-A and 376 read with Section 34, IPC, in a case
arising out of FIR No. 142, dated 27.3.2014, registered at Police
Station, Camp, Palwal.

Learned counsel contends that even if whole case of the prosecution is taken at its face value, then also the only part attributed to the petitioner is that he (petitioner) along with his co-accused, Shiv Kumar and Devender @ Lala, forcibly took the prosecutrix to his house and thereafter in the evening Shiv Kumar took away the prosecutrix to some other place where the rape was committed upon her. He further submits that the petitioner is behind the bars from 11.6.2015 and after completion of the investigation, the charge-sheet (challan) has been presented.

Learned counsel for the State after taking instructions from ASI Krishan Kumar of Police Station, Camp, Palwal, and going through the police file, very fairly concedes that there are no allegations of commission of rape upon the prosecutrix by the petitioner, Manohari Lal. However, he was the main person who facilitated kidnapping of the prosecutrix.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Concededly, the petitioner had not committed rape on the prosecutrix. After completion of the investigation, the

charge-sheet (challan) has been presented. The petitioner is behind the bars from 11.6.2015.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Manohari Lal, son of Ram Singh, resident of House No. DB-1090, Gali No. 1, Main Near Railway Station, Kailash Nagar, Palwal, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Palwal.

(NARESH KUMAR SANGHI)
JUDGE

September 29, 2015
Pkapoor