

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Mamta
2016.08.29 10:29
I attest to the accuracy and
integrity of this document

Criminal Misc.No.M-18497 of 2016

Date of Decision: 26th August, 2016

Umesh Morya

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikas Kumar, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana
for the respondent(s)-State.

Mr. Sarvesh Gupta, Advocate,
for Mr. Ram Bilas Gupta, Advocate,
for the complainant.

RITU BAHRI, J.(Oral)

Pettiioner has preferred the instant petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.12 dated 14.09.2015, registered at Women Police Station Sector 16, Faridabad, District Faridabad, under Sections 376-D, 342, 363, 506 and 34 IPC and under Section 6 of the POCSO Act.

As per the allegations, as set up in the FIR, are that prosecutrix, who is 15 years of age, was a stundent of 10th standard and was studying in Haryana Vikas School Sanjay Colony, C.H.V., Convent School. Priyanka, sister of the petitioner's brother Manoj, was studying with the prosecutrix and she was friendly with Manoj, who had given her a mobile sim card and asked her to make phone calls to him. On 07.09.2015, the prosecutrix went to school and Manoj also came there to drop his sister Priyanka. He after dropping his sister at school, took the prosecutrix to Crown Plaza Mall and asked her to watch movie. Thereafter he took her to his house and confined

her in a room and the petitioner Umesh bolted the door from outside. Then Manoj did bad act with the prosecutrix against her wishes. After 07.09.2015, he again threatened the prosecutrix and asked her to come to his house. Then Manoj came to her house and took her to his house by putting his hand on her mouth.

The petitioner is in custody since 15.09.2015 and the role attributed to him in the FIR is that he had bolted the room from outside.

Learned State counsel, on instructions, informed this Court that when the family members of the proecutrix came in search of the prosecutrix, the petitioner concealed the fact that she was not in his house.

Perusal of the FIR shows that the prosecutrix was friendly with Manoj, who had given her a mobile sim card and there were conversation with each other on telephone. The petitioner is in custody for the last about one year. Even charges have not been framed. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, the instant petition stands accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Faridabad.

26th August, 2016
mamta

(RITU BAHRI)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether reportable

Yes/No