

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

Criminal Misc. No.M- 38858 of 2017(O&M)

Date of Decision: December 1 , 2017.

Manish PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.A.Sheoran, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

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?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.110 dated 04.03.2017 under Sections 346/376(1)/406 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Bhiwani, District Bhiwani.

Contentions on behalf of the petitioner as noted by this Court on 13.10.2017, read as under:-

“It is submitted that no allegations attracting the rigors of any of the offences punishable under Sections 346, 376 (1), 406 IPC and Section 4 of the Protection of Children from Sexual Offences Act,

were raised by the victim against the petitioner at any point of time prior to her statement before the learned trial Court recorded on 03.08.2017. The FIR in this case was lodged on 04.03.2017 on the statement of the mother of the victim where the victim was reported to be missing. In her statement under Section 164 Cr.P.C., the victim has not raised any allegation against the petitioner except stating that she had gone to Rohtak on the asking of the petitioner. However, the petitioner did not come present there and informed her telephonically that he was not coming to Rohtak. The petitioner, it is submitted, has been summoned to face trial as an additional accused on an application under Section 319 Cr.P.C. He undertakes to face trial and not abuse the concession of bail if granted to him.”

Learned counsel for the petitioner submits that the petitioner has appeared before the learned trial court pursuant to interim order dated 13.10.2017. The petitioner, it is submitted, undertakes to appear on each and every date fixed before the learned trial court and face the proceedings. The petitioner is not involved in any other criminal case. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the petitioner was summoned to face proceedings on an application under Section 319 Cr.P.C. It is verified, on instructions from HC Pardeep Kumar, that the petitioner has appeared before the learned trial court pursuant to order dated 13.10.2017 and he is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Interim bail afforded to the petitioner be made absolute subject to his furnishing bail bonds and surety to the satisfaction of the learned trial court.

It is made clear that the petitioner shall not try to contact the victim or any of her family members in any manner. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

December 1 , 2017.
'om'

(LISA GILL)
JUDGE

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