

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

**Criminal Misc. No.M-10206 of 2018(O&M)
Date of Decision:May 10, 2018.**

Manjeet

Petitioner

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Naveen Singh Panwar, Advocate
for the petitioner.

Mrr. RameshK. Ambavta, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.161 dated 23.04.2017, under Sections 363, 366-A, 376, 120-B IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, (for short 'POCSO Act'), registered at Police Station Sadar, Rohtak.

As per the allegations in the FIR, the complainant was looking after the children of his brother including the victim after the death of his brother. The victim was reported to have been allured by some unknown person on the intervening night of 22/23.04.2017.

It is submitted that the present petitioner has been falsely implicated in this FIR registered at the instance of the complainant, who is the uncle of the alleged victim. Learned counsel for the petitioner submits that the victim as well

as the complainant have not supported the prosecution case while deposing before the learned trial Court. The victim (PW-1) specifically stated that no one had enticed her or committed rape upon her and she has completely exonerated the present petitioner. The complainant (PW-2) also specifically stated that the petitioner did not entice his daughter or commit rape upon her. Statements of PW-1 and PW-2 are attached as Annexures P-8 and P-9 with this petition. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the complainant as well as the prosecutrix have not supported the prosecution version. However, it is submitted that specific allegations were earlier raised against the petitioner. Needless to say, appreciation of evidence is in the domain of the learned trial Court and the same shall be considered at the appropriate stage. No opinion is being expressed thereon.

Learned counsel for the State, on instructions from ASI Rajender Singh, verifies that the petitioner 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. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Manjeet, is allowed. Petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

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.

10.05.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.