

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

Criminal Misc. No.M-14780 of 2018(O&M)

Date of Decision:May 23, 2018.

Manoj Kumar

Petitioner

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. J.S.Thind, Advocate
for the petitioner.

Mr. Anmol Malik, AAG., Haryana

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.204 dated 22.09.2017, under Sections 363, 366-A IPC read with Section 17/18 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Ateli, District Mahendergarh.

It is submitted that the petitioner, who is the uncle (Massar) of the alleged victim has been falsely implicated in this case due to a matrimonial dispute between him and his wife. It is further submitted that the victim is alleged to have gone missing from her home on 16.09.2017. The FIR was lodged on 22.09.2017 after an unexplained delay of about one week. The victim was recovered on 23.09.2017. In her statement under Section 164 Cr.P.C., she did not raise any kind of allegation of sexual assault against the present petitioner. The victim was lodged at Nari Niketan, Karnal for a while before her custody was handed over to her grandmother. It is submitted that the petitioner has been in custody for sufficiently long period. Moreover, the victim as well as the complainant have testified before the learned trial Court. It is thus prayed that this

petition be allowed.

Certified copies of the statements of PW-1 and PW-2 filed in Court today are taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that no specific allegation was raised against the petitioner by the victim in her statement under Section 164 Cr.P.C. though she has raised a specific allegation against the petitioner in her statement before the learned trial Court. It is affirmed that there is no medical evidence available on record as the victim had denied medical examination.

Needles to say appreciation of evidence is in the domain of the learned trial Court and shall be considered by it. No opinion is being expressed thereon.

Learned counsel for the State, on instructions from ASI Sanju, verifies that the petitioner is not reported to be 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 Manoj Kumar, 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.

Petitioner shall not attempt to contact the victim or any of her

family members/witnesses in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to him.

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.

23.05.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.