

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

**Criminal Misc. No.M-1577 of 2018(O&M)
Date of Decision: February 27, 2018.**

Manjeet

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Arun Luthra, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.432 dated 27.08.2017, under Section 323 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Gohana, District Sonapat.

It is submitted that the petitioner has been falsely implicated in this case. In-fact, it is a case of a sudden fight which broke out in the neighbourhood amongst the petitioner's and the complainant side. The petitioner's mother as well as his brother also suffered injuries in this scuffle. Allegations attracting the rigours of Section 8 of the POCSO Act, have been added only with a view to increase the gravity of the offence. The petitioner, it is submitted has been in custody since August 2017. Final report under Section 173 Cr.P.C., in this case has been presented. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Dharmender, verifies that the final report under Section 173 Cr.P.C., has been presented. Charge against the petitioner has been framed. 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 Manjeet, is allowed. The 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.

27.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.