

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29355-2019 (O&M)
Date of Decision:-18.11.2019

Labbi @ Manoj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Kumar Malik, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by SI Avtar Singh.

Mr. Sylvester, Advocate for
Mr. Sandeep S. Majithia, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

CRM-35812-2019

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures R-1 and R-2 subject to all just exceptions.

CRM-M-29355-2019

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.652 dated 17.10.2018 at Police Station Quilla, District Panipat under Sections 354 and 452 of Indian Penal

Code, wherein offences under Sections 323 and 458 IPC and under Section 10 of POCSO Act were added later on.

2. The FIR was registered at the instance of Rohit, wherein it has been alleged that the petitioner used to harass his younger sister and he had come to know that he had been troubling her since the last 6-7 months. Although the complainant had lodged his protest with the petitioner's father, who had assured that the petitioner would not commit any such thing in future but despite the same on 14.10.2018 at about 11:30 P.M. the petitioner came to the house of the complainant after opening the latch of the door. Three of the complainant's sister were sleeping on one bed and the petitioner is alleged to have molested them. However, in the meantime, when the complainant got up, the accused gave a blow with belt to him and ran away from the spot.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in fact at one stage the complainant's sister/victim had furnished an affidavit (Annexure P-1), wherein she has categorically deposed that the petitioner had never come to her house and had not ever molested her. The learned counsel has further submitted that the trial is being unnecessarily prolonged and that since the petitioner would be leading defence evidence in the shape of audio and video recordings, which is likely to take some time, he may be ordered to be released on bail.
4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that as of now only 1 PW remains to be examined and that in these circumstances, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court.
6. It is correct that only 1 PW remains to be examined. However, this was the position even on the last date i.e. on 4.10.2019 when this Court, upon noticing the said position, had adjourned the matter for today. Vide order dated 4.10.2019, the prosecution had been specifically directed to ensure that the statement of the remaining PWs is recorded on the next date of hearing which was stated to be 14.10.2019. However, despite the aforesaid direction, the prosecution has not examined the remaining Pws. It has been informed by learned State counsel that the petitioner has been behind bars since the last more than 1 year.
7. In view of aforestated position, further detention of the petitioner is not justified. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

18.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No