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

CRM-M-44043-2019 (O&M)
Date of Decision:-17.12.2019

Manish Kumar … Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana, assisted by ASI Devinder Kumar.

Mr. Tushar Gautam, Advocate for the complainant.

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GURVINDER SINGH GILL, J.(Oral)

CRM-37948-2019

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application as Annexures P-11 to P-14 are taken on record subject to all just exceptions.

CRM-M-44043-2019

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.17 dated 18.9.2019 at Police Station Gadpuri, District Palwal, Haryana under Sections 363 and 366-A of Indian Penal Code, wherein offences under Sections 354-A and 506 IPC and Sections 8 of POCSO Act were added later on.

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2. The FIR was lodged at the instance of Laxman, wherein it has been alleged that on 18.9.2019 his daughter had left home in order to go to school but later on inquiry it was found that she had never reached school and had infact been enticed away by Manish. The complainant brought the said fact to the notice of Amar Singh i.e. father of the aforesaid Manish but said Amar Singh retorted that his daughter would not be returned and that the complainant may do whatever he wished to.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that infact the complainant's daughter, who was alleged to have been enticed away by the petitioner, was recovered after about two hours of lodging of the FIR and her statement in terms of Section 164 Cr.P.c. was also recorded on the same day itself, wherein the only allegation alleged therein is that the petitioner had touched the breasts of the complainant's daughter. The learned counsel has submitted that the aforesaid allegations have been cooked up falsely on account of policital rivalry in the village.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and the complainant's daughter specifically alleged that the petitioner had molested her, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court.

6. Keeping in view the fact that the complainant's daughter is stated to have been recovered within two hours after lodging of the FIR in question and that the petitioner has been behind bars since the last about three months and challan already stands presented, further detention of the petitioner will not

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serve any useful purpose as conclusion of trial is likely to take some time. 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.

17.12.2019 **(Gurvinder Singh Gill)**
pankaj **Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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