

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

CRM-M-2168-2020 (O&M)
Date of Decision:-28.8.2020

Manoj ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjay Vashisth, Advocate and
Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-20746-2020

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 P-5 to P-7.

CRM-M-2168-2020

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.129 dated 14.10.2019 at Police Station Women Police Station Narnaul under Section 4 of POCSO Act and Sections 328, 354-C, 354-D, 366-A, 376(2)(n), 406, 506 and 509 of Indian

Penal Code, wherein offence under Section 4 of POCSO Act was deleted later on.

3. The FIR in question was lodged at the instance of the victim, wherein it has been alleged that her date of birth is 23.9.1995 and when she was in class 11th and 12th she used to go to the computer shop of Manoj (petitioner) for the purpose of filling up forms for taking admission in college and other institutions and that said Manoj taking undue advantage of friendly behaviour of the victim took her to Narnaul in a hotel where he offered her juice, which was laced with some intoxicant, as a result of which she lost consciousness. It is alleged that the petitioner established physical relations with her in her semi-conscious state and later started threatening her that in case she disclosed about the same to anybody, he would make viral her nude photographs which he had taken. It is further stated therein that the petitioner also held out promise of marrying her and on the basis of the said false promise kept on establishing physical relations with her till the year 2017.
3. The learned counsel for the petitioner has submitted that the victim as of now is aged about 24 years and that even if there were any physical relations between the victim and the petitioner, the same were in the nature of consensual physical relations inasmuch as even as per the allegations levelled in the FIR, it is a case where both of them were having physical relations for a good more than 5 years.
4. Opposing the petition, the learned State counsel has submitted that in view of the serious nature of allegations and the fact that when the physical relations were established initially in the year 2012, the victim was aged less than 18 years, no case for grant of bail is made out. The learned State counsel has,

however, informed that the petitioner has been behind bars since the last more than 10 months.

4. Having regard to the facts and circumstances of the case and the fact that it would be debatable as to whether it is a case of forcible sexual intercourse or consensual physical relations and also the fact that the petitioner has been behind bars since the last more than 10 months, further detention of the petitioner will not serve any useful purpose. 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.

28.8.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No