

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

208

CRM-M-22810-2020 (O&M)

Date of Order:19.08.2020

MANAGER ALI

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S.Rana, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.787, dated 28.12.2018, registered under Section 341/120B/376-D IPC and Section 6 of POCSO Act (Section 120-B IPC added later on), at Police Station Shivaji Colony, District Rohtak.

In a nutshell, the case of the prosecution has been noticed by the learned Special Judge-cum-Additional Sessions Judge, Rohtak, in para 2 of the order, which is extracted as under:-

“2.The brief facts of the prosecution case for disposal of this bail application are that the complainant-prosecutrix presented an application before the police submitting therein that she was living as a tenant at the house of Manjeet Malik alongwith her brother Sonu and sister-in-law Preeti. Sanjeet son of Madan Ram resident of Siwan Bihar was also living in front of her room. In the intervening night of 28.12.2018 at about 3-4.00 A.M. when she went for urinal in washroom, Sanjeet caught her and after pulling her to his room, forcibly committed wrong act with her. During the incident, his friend Manager Ali was guarding the process. She has prayed to take appropriate action against the culprits.”

Learned counsel for the petitioner contends that the petitioner is in custody since 28.12.2018. He further asserts that the petitioner is not attributed sexual assault. The only allegation against the petitioner is that he was standing as a guard.

On the other hand, learned counsel appearing for the State has opposed the prayer for grant of bail.

The petitioner is in custody for more than approximately 01 year and 08 months. The prosecution, till this time, has not recorded deposition of any of its witnesses, although, it intends to examine 17 witnesses.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 28.12.2018 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

August 19, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No