

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

207

**CRM-M-34842-2020
Decided on : 06.11.2020**

Mannu @ Manish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Rajesh Lamba, Advocate, for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

Mr.Akhilesh Vyas, Advocate, for the complainant.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present petition, filed under Section 439 Cr.P.C., is for grant of regular bail in FIR No.285 dated 28.06.2020 under Sections 354A, 354D, 427, 34 IPC and Section 12 of Protection of Children From Sexual Offences Act, 2012, registered at Police Station City Palwal, District Palwal.

Counsel for the petitioner submits that the petitioner is in custody since 06.09.2020 since his anticipatory bail has been dismissed on 21.08.2020 by this Court whereas State Counsel submits that the custody is from 15.09.2020. The other family members have been granted the benefit of anticipatory bail.

Counsel for the petitioner further submits that challan has been presented under Section 12 of the POCSO Act along with other provisions of IPC, as mentioned above. The offences are punishable upto a period of 3 years. It is accordingly submitted that appropriate conditions can be imposed upon the petitioner who has done his 3 years Hotel Management Course at Jalandhar and was staying with his parents when the incident happened.

Counsel for the complainant has submitted that the conduct of the petitioner had made the life difficult for the complainant and her family members and the family members of the petitioner are now threatening the complainant and her family members.

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A perusal of the FIR would go on to show that the incident was of 27.06.2020 whereas the petitioner was smiling and laughing at the complainant despite the presence of her father and thereafter misbehaved.

In such circumstances, without commenting upon the merits of the case and keeping in view the period of detention, this Court is of the view that the petitioner is liable to be released on bail, subject to the condition of which counsel for the petitioner has proposed. The petitioner would not stay in the SRS Sector 5, Pearl Society, Palwal where the complainant and her family members are residing on permanent basis during the pendency of the trial so that he is not in a position to approach the complainant and her family members in any manner. The SHO of the Police Station concerned shall ensure that regular visits are made by the police officials to the residence of the complainant to address their grievances in this aspect.

Accordingly, in view of the above, present petition is allowed and the petitioner is granted regular bail, to the satisfaction of the Ilaqa/Duty Magistrate, Palwal.

**(G.S. SANDHAWALIA)
JUDGE**

NOVEMBER 6, 2020

sailesh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No