

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

CRM-M-7877-2021 (O&M)

Date of decision : 22.04.2021

Manohar Lal @ Billu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rishi Pal Singh, Advocate for the petitioner.

Mr. Gaurav Gulzar Singh Chauhan, AAG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.0158 dated 27.06.2020 under Sections 10, 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Section 506 of the Indian Penal Code, 1860 (IPC), registered at Police Station Uchana, District Jind.

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the case and that the present case is a counter-blast to FIR No.149 dated 20.06.2020 registered by him under Sections 325, 341, 452 IPC against the real brothers of the complainant.

A short reply by way of affidavit of Jatinder Singh, Deputy Superintendent of Police, Jind, on behalf of the respondent-State, has been filed wherein it has been stated that there are three minor girls involved in

the present incident and the allegations are that three daughters of the complainant were playing in the house of the petitioner adjacent to their own house. The petitioner, by taking advantage of lack of understanding of these children, took them inside his house and spoke obscenely to them as also removed their half pants as well as removed his own clothes and gave something in the hand of the minor and asked that it should be shaken. Meanwhile younger brother of the complainant went to the house of the petitioner where there was a quarrel.

It has further been stated that as far as the allegation of the petitioner that the present case is a counter blast to the FIR No.149 dated 20.06.2020 is concerned, the same was found to be a false and frivolous assertion inasmuch as on 20.06.2020 an information was received in Police Station Uchana from Police Control Room, Jind that the petitioner, Manohar Lal, was admitted in Metro Hospital, Jind in an injured condition. On receipt of this information, ASI Ajit Singh visited the Metro Hospital, Jind and after seeking opinion of the concerned Doctor regarding fitness of the injured, recorded the statement of the petitioner who made a statement that on 16.06.2020 at about 8-9 p.m. while he was taking a bath in an empty plot adjoining to his house Rakesh came and slapped him and gave beatings and on asking he disclosed the reasons of beating that the petitioner had harassed his children. Then Rakesh took a wooden stick from the place and gave a blow on his back and arm. On hearing the noise, father of the petitioner came and on seeing him the said Rakesh threw the wooden *danda* and fled away from the spot. On the basis of the said complaint, FIR No.149 dated 20.06.2020 was registered. During the course of investigation, the incident is

said to have taken place inside the house of the petitioner whereas in the present FIR, it has been alleged that on 16.06.2020 the victims aged 6, 7 and 12 years were playing in the house of the petitioner adjacent to the house of the complainant and the petitioner took the advantage of the children and spoke obscenely to them as also removed their half pants as also his own clothes. It was further found that earlier complaint was filed at Police Station Uchana against the petitioner and the petitioner got the matter resolved at the police level and the complaint was withdrawn at the behest of the Panchayat and later the petitioner declined to accept his mistake and apologize and further threatened. Thereafter, the present FIR was lodged and, therefore, there is delay in lodging the FIR. It has further been stated that both the FIRs i.e. FIR No.0158 dated 27.06.2020 (Annexure P-1) and FIR No.149 dated 20.06.2020 (Annexure P-3) relate to the same incident. It has further been stated that the said victims have supported the Prosecution story in their statements recorded under Section 164 of CrPC and further that the material witnesses are yet to be examined in the present case.

Heard.

In the present case, serious allegations have been made against the present petitioner. The argument raised by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case as a counter blast is not a matter which can be gone into at this stage inasmuch as the incidents mentioned in both the FIRs i.e. FIR No.0158 dated 27.06.2020 (Annexure P-1) and FIR No.149 dated 20.06.2020 (Annexure P-3) relate to the same incident. Further three minor girls have supported the case of the Prosecution in their statements recorded under Section 164

CrPC and the statements of the material witnesses are yet to be recorded by the Trial Court.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner and accordingly the present petition is dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

22.04.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO