

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

(Through Video Conferencing)

CRM-M-20080-2021

Date of Decision: 22.07.2021

MANISH

.....*Petitioner*

V/s.

STATE OF HARYANA

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Aditya Sanghi, Advocate,
 for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.12 dated 11.03.2021 lodged under Section 4 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 354-D, 452, 506 of the Indian Penal Code, 1860 registered at Police Station Narnaul, District Mahendergarh, Haryana.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand which is evident from the fact that the prosecutrix had made self contradictory statements including the statement recorded by her under Section 164 Cr.P.C., at every stage subsequent to the registration of the FIR. He has also drawn the attention of this Court to the MLRs (Annexure P-5 and P-6). It has been urged that prosecutrix refused to get herself medico-legally examined when she was taken to the Civil Hospital, Narnaul which finds reflected in the said MLRs itself. He has further submitted that even otherwise, as is also evident

from MLR (Annexure P-6), no injury was found on the person of the prosecutrix which could be suggestive of any sexual assault on the prosecutrix. He further submits that in the aforesaid circumstances, the mischief to attract the offence under Section 4 of the Protection of Children from Sexual Offences Act, 2012 is clearly not made out. He has submitted that the petitioner has been in custody since 01.04.2021 and hence, there is no likelihood of the trial concluding in the near future as only challan has been filed before the trial Court.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Sharda Devi, has not been able to controvert the factual aspect of the submissions made by the learned counsel for the petitioner.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 01.04.2021, the trial is unlikely to conclude in the near future, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 22, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No