

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 211

CRM-M-1050-2022

Date of decision : 23.05.2022

Manoj Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:    Mr.Abhimanyu Singh, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.295 dated 13.08.2021 registered under Sections 363, 366-A, 376, 120-B, 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Bawani Khera, District Bhiwani.

Briefly stated, the case of the prosecution is that on the asking of the alleged victim, a minor, the petitioner took her on his motorcycle to the nearby canal where he dropped her; from there the alleged victim was taken by co-accused-Sahil earlier to Deepu's house and then to Nazafgarh where they stayed in a rented accommodation; on the recovery of the alleged victim she was found to be pregnant with Sahil's child.

Learned counsel for the petitioner contends that the petitioner, who is a 21 year old boy, has been falsely implicated in this case; he has no other criminal antecedents; he is in custody since 07.10.2021; investigation in this case is complete and therefore he is in no position to influence the same; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the only allegation against the petitioner is that he, on the asking of the

alleged victim, dropped her on his motorcycle to a place of her choice which in any case would not constitute any offence under any law and that since the petitioner's trial is yet to begin, the same will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that he has helped co-accused-Sahil in abducting and raping a minor girl.

The only allegation against the petitioner is that he, on the asking of the alleged victim, dropped her on his motorcycle to a place of her choice; the petitioner is a 21 year old boy; he is in custody since 07.10.2021; he has no other criminal antecedents; investigation in this case is complete and therefore he is not in a position to influence the same and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bhiwani, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.05.2022  
shamsher

[DEEPAK SIBAL]  
JUDGE

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |