

MANJEET SINGH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. K.M.Vohra, Advocate for the petitioner.

Mr. Karan Garg, AAG Haryana.

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**VIVEK PURI, J. (ORAL)**

The petitioner is seeking regular bail in case bearing FIR No. 702 dated 23.10.2022 under Sections 341, 354-A, 506 IPC and Sections 8 and 12 of Protection of Children from Sexual Offences Act, registered at Police Station Krishna Gate, District Kurukshetra.

Custody certificate has been taken on record.

Briefly, the FIR has been registered on the allegations that the victim is aged about 17 years and the petitioner had been following her. On 20.10.2022, while she was returning back from the School, the petitioner stopped her and held her arm with wrong intention and also threatened her. Subsequently, on 21.10.2021, the victim had gone to Bazaar and the petitioner followed and abused her.

Learned counsel for the petitioner contends that Baljit Kaur, the wife of the petitioner is the *Bua* of the victim. The marital discord had occurred between the petitioner and his wife. The wife of the petitioner has

instituted petitions under Section 125 Cr.P.C. and Section 13 of the Hindu Marriage Act for dissolution of marriage. Besides, she has also lodged an FIR No. 246 dated 30.03.2022 under Sections 323, 506 IPC, registered at Police Station Krishna Gate, Kurukshetra. Even at the earlier instance, the wife of the petitioner had submitted an affidavit to the effect that the victim had levelled false allegations against the petitioner. The present FIR has been registered to harass, pressurise and aggravate the gravity of allegations against the petitioner on account of marital discord with his wife. The petitioner is in custody for a period of 1 month and 18 days. Though at the earlier instance he was involved in another FIR No. 190 dated 01.03.2017 under Sections 148, 149, 323, 325, 452 and 506 IPC, registered at Police Station Pehowa, Kurukshetra but the same has been quashed by this Court in terms of the order dated 05.09.2022 passed in CRM-M-47163-2021. The petitioner is not involved in any other case except the case which has been got registered by his wife subsequent to the registration of the present FIR. Even in the CCTC footage, no act or overt act is made out on the part of the petitioner.

Learned State counsel has opposed the bail application on the score that the victim was aged about 17 years at the time of occurrence. Though the investigation of the case is complete, challan has been presented but the statements of the witnesses is yet to be recorded.

Be that as it may, the CCTV footage does not indicate any act or overt act on the part of the petitioner. Moreover, there is a marital discord between the petitioner and his wife and the wife of the petitioner is

stated to be *Bua* of the victim. Even at the earlier instance, the victim had levelled similar allegations but the wife of the petitioner had submitted an affidavit, Annexure P-3 to support the innocence of the petitioner. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The investigation of the case is complete and challan has been presented in the Court. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

**23.12.2022**

Janki

**(VIVEK PURI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*