

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104+212

CRM-M-12830-2022 (O&M)

Date of decision: 23.03.2023

Mohd. Manjoor Alam

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-13256-2023

For the reasons mentioned therein, the application is allowed and copies of documents therein are taken on record as Annexures A/1 to A/5 subject to all just exceptions.

CRM-M-12830-2022

The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.128 dated 15.05.2020 under Sections 354-A, 376 and 511 of the IPC and Section 8 of the POCSO Act, 2012 (charges framed under Section 354 and 376(3) of the IPC and Section 4(2) of the POCSO Act, 2012) registered at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 *inter alia*, contends that totally vague allegations have been levelled therein that the petitioner after entering

the house of the victim attempted to sexually assault her. He submits that except for the vague allegations levelled in the FIR in question there was no corroborative evidence much less medical, to substantiate the allegations levelled against the petitioner of having attempted to sexually molest the victim. He submits that the petitioner has clean antecedents as he is not involved in any other criminal case much less a case of similar nature. A prayer has, therefore, been made to extend the concession of bail to the petitioner since both the material witnesses i.e. the victim and her father stand examined and 08 prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions has not been able to dispute qua the factual aspect of the role attributed to the petitioner in the FIR in question and also not disputed that there was no medical evidence on record to substantiate the allegations levelled qua the alleged sexual assault. He submits that the next date fixed before the Trial Court is 29.03.2023 when some witnesses are likely to be examined.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 15.05.2020 and both the material witnesses including the victim stand examined. Hence, further incarceration of the petitioner of the petitioner would serve no useful purpose moreso when trial will take considerable time to conclude. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

23.03.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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