

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15903 of 2023

Date of decision: 12th April, 2023

Mannu @ Mannu Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ajay Kumar Dahiya, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondents/State.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.179 dated 14.04.2021 under Section 365 IPC (Section 376(2)(n) IPC and Section 17 and 6 of Protection of Children from Sexual Offences Act, 2012 added later-on) registered at Police Station Sadar Sonapat, District Sonapat.

Learned counsel for the petitioner inter alia submits that subsequent to withdrawal of the previous petition on 13.12.2021, wherein the petitioner had sought similar relief, both the material witnesses i.e. the victim as well as the complainant (father of the victim), had been examined. Learned counsel has drawn the attention of this Court to the FIR, which has been annexed as Annexure P-1, to urge that therein the complainant had stated that his daughter i.e. the victim aged 15 years, had gone away from the house on 12.04.2021

without informing anyone and despite making efforts, they had been unable to locate her. Learned counsel submits that a perusal of the FIR clearly revealed that the complainant had nowhere raised any suspicion qua his daughter having been abducted by anyone, much less the petitioner. Not only this, when the victim was recovered on 15.04.2021, she got her statement recorded under Section 164 Cr.P.C., which has been annexed as Annexure P-3, wherein also she did not even by way of a whisper allege any wrong doing against the petitioner and rather stated that on account of some dispute at home she had run away after quarreling with her parents. Learned counsel submits that after two months of making her first statement under Section 164 Cr.P.C., the victim came up with a totally twisted version and in her second statement recorded under Section 164 Cr.P.C. (Annexure P-6), she levelled allegations against the accused including the petitioner, wherein she alleged that she had been sexually assaulted. Learned counsel thus, submits that in the aforementioned circumstances, it is evident that the petitioner had been falsely implicated in the case in hand by the victim under the pressure of her family. It has also been submitted that the petitioner has now been in custody since 30.05.2021 and there is no likelihood of the trial concluding in the near future as 8 prosecution witnesses out of 24 cited remain to be examined. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Sudesh has not been able to controvert that both the material witnesses

i.e. the victim and the complainant stood examined before the trial Court. Learned State counsel submits that no doubt the first statement made by the victim under Section 164 Cr.P.C. was at variance with her second statement recorded under Section 164 Cr.P.C., however, the victim had reiterated the allegations levelled in her second statement under Section 164 Cr.P.C. while stepping into the witness box.

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

The petitioner has been in custody for almost two years and there is no likelihood of the trial concluding in the near future. Since both the material witnesses including the victim stand examined, there could be no apprehension of the petitioner tampering with the evidence, much less trying to influence the victim to depose in his favour. This Court, in the facts and circumstances as enumerated hereinabove, deems it fit to extend the concession of regular bail to the petitioner. The petition as such 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 contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 12, 2023
rps

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