

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

**(211)**

**CRM-M-50762-2022  
Date of Decision: 31.01.2023**

Manish and another

.....Petitioners

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Abhilaksh Grover, Advocate, for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana, assisted by  
ASI Sher Mohammad.

Mr. Sidhant Bhonsle, Advocate, for the complainant.

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**HARKESH MANUJA, J.(ORAL)**

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioners are seeking grant of regular bail pending trial in FIR No.95 dated 15.04.2022 (Annexure P-1) registered under Sections 377, 379-B, 506, 34 IPC and Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Tigaon, District Faridabad, Haryana.

Learned counsel for the petitioners submits that in the present case, the petitioners are behind the bars for the last almost 9 months. Investigation has already been concluded with the filing of challan. He further submits that charges have been framed long back in August, 2022 and out of total 15 witnesses cited by the prosecution, only 1 has been examined so far and thus, submits that trial is likely to take some time. He also submits that even the complainant/alleged victim has already appeared before the trial Court as PW-1 and has not supported the case of the prosecution and

resultantly, there is no purpose going to be served for keeping the petitioners behind the bars.

On the other hand, prayer made in the petition has been opposed at the instance of respondent-State by submitting that there are serious allegations levelled in the FIR against the petitioners which are even corroborated by the scientific evidence besides the statements of complainant as regards under Sections 164 Cr.P.C., however, learned State counsel has not been able to controvert the fact that complainant while appearing as PW-1 has not supported the prosecution version.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

Considering the fact that investigation in the present case stands concluded with framing of charges way back in August 2022 and the fact that so far, only one prosecution witness has been examined out of the total of 15, there would be no justification for extending the incarceration of the petitioners, particularly in view of the fact that the victim/complainant himself has not supported the case of the prosecution while appearing as PW-1 in the Court. As regards, other evidence collected by the investigating agency in the shape of FSL report and the statement of complainant as recorded under Section 164 Cr.P.C., the evidentiary value of the same shall be considered during the trial which definitely is going to take some time and as such, petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioners are

ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

**(HARKESH MANUJA)**  
**JUDGE**

**31.01.2023**  
anil

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