

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

208

CRA-S-490-2024 (O&M)
Date of order: 09.02.2024

Manoj

.....Appellant(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sunil Saharan, Advocate
for the appellant.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Nidhi Gupta, J.

Present appeal has been filed against order dated 30.01.2024 passed by learned Special Court under the SC/ST (Prevention of Atrocities) Act, 1989 (amended 2015), whereby application for grant of regular bail to the appellant has been dismissed.

2. FIR in the present case was registered on the basis of statement of prosecutrix herself, which reads as under:-

“...stated that I am the resident of abovesaid address and do household work. I belongs to Scheduled Caste. I have two girls. One boy namely Manoj son of Sh. Fakirchand caste Sunar resident of NyoliKalan has visiting terms at my house and in November 2022, my husband was not present at house then on finding occasion, Manoj son of Fakirchand resident of NyoliKalan entered in my house and did bad act against my wishes and captured my photos and videos and threatened that if you disclose to anyone then I will kill you and started blackmailing me and he also talked with me on mobile phone

and created pressure and also did bad act again and again at VishwakarmaDharamshala Hisar and once on 10/12.04.2023, he brought me at DH Hotel Barwala near the bridge and he showed my photos and threatened that if you will not develop relations then I will send your photos to your husband. Thereafter, Manoj developed physical relations against my wishes. Even now, on 02.11.2023, Manoj was roaming in front of my house and was harassing. When I come out and asked him that why are you roaming here then he asked to meet and talk and he caught hold my hand. Legal action be taken against Manoj Kumar son of Fakirchand resident of NyoliKalan...”.

3. It is inter alia submitted by learned counsel for the appellant that the appellant and the prosecutrix knew each other as they worked in the same company. The appellant was serving as a Driver whereas the prosecutrix was a Sweeper in the said company. It is stated that prosecutrix is a 38 years old married woman and has two children whereas the appellant is 32 years of age. Learned counsel further contends that the alleged date of incident as per the FIR itself is of November, 2022. However, FIR has been lodged about one year later i.e. on 05.11.2023. Learned counsel further submits that the reason for the present FIR is that the appellant stopped extending financial help to the prosecutrix.

4. On advance notice, Mr. Ranvir Singh Arya, Addl. AG Haryana, appears on behalf of respondent No.1-State and files custody certificate dated 08.02.2024, which is taken on record.

5. Learned State Counsel opposes the prayer made on behalf of the appellant and submits that as per the FIR, the last incident is of 12.04.2023; and even thereafter, on 02.11.2023, the appellant was

roaming outside the house of the prosecutrix which led her to file the present FIR as she was threatened by the petitioner. It is further submitted that the prosecutrix in her statement under Section 164 Cr.P.C. has supported the prosecution case however, admits that although challan was filed on 06.11.2023, charges are yet to be framed in the matter. Learned counsel further informs that a mobile phone has been recovered from the petitioner, however, FSL report is still awaited; and next date of hearing before the learned trial Court is 23.02.2024.

6. No other argument is raised on behalf of the petitioner.
7. I have heard learned counsel for the petitioner.
8. Without commenting on the merits of the matter, however, keeping in view the facts and circumstances of the case including the fact that trial in the matter has not yet commenced; challan has been filed but charges have not yet been framed; as per the custody certificate the appellant has been behind bars for a period of 3 months 2 days and no other case is pending against the petitioner; and conclusion of the trial of the case will take long time; present appeal is allowed. Appellant namely Manoj s/o Fakir Chand be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
9. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

09.02.2024
Sunena

(Nidhi Gupta)
Judge

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