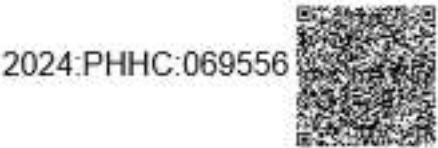


Neutral Citation No. 2024:PHHC:069556



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

213

CRM-M-11311-2024 (O&M)  
Date of decision: 17.05.2024

Manjit alias Montu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajesh Khandelwal, Advocate  
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Ms. Anjali Sheoran, Advocate  
for the complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 446 dated 17.11.2023, registered under Section 346 IPC (Sections 363, 366-A, 354-A(1)(i), 120-B of IPC and Sections 8, 18 of the POCSO Act were added later on) at Police Station Sadar Hansi, District Hisar.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 17.11.2023, the complainant 'H' (*name withheld*) lodged a complaint that the victim 'A' (*name withheld*), who was his minor daughter

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aged about 16 years, had left home without informing anyone on that day. A case under Section 346 of IPC was registered. During the course of investigation, the complainant himself produced the victim at the police station on 20.11.2023. Her statement under Section 164 of Cr.P.C. was got recorded before the Magistrate, wherein she disclosed that on 17.11.2023 at about 04:00 PM, she along with the petitioner and co-accused Kuldeep had gone from her village to Jhajjar on a bike. She had stolen a sum of Rs. 20,000/- from her house on the asking of accused Kuldeep and out of the same, Kuldeep had taken an amount of Rs. 10,000/-. She disclosed that accused Kuldeep sexually harassed and assaulted her at Jhajjar and thereafter, he left from Jhajjar while leaving her with the petitioner. The petitioner had also snatched an amount of Rs. 5,000/- from her and made her board a train. The victim reached Jhajjar and tried to contact the accused Kuldeep, who did not respond. She managed to reach Gurugram and on giving information to her father, she had been brought by him. Offences under Sections 363, 366-A, 354-A(1)(i) read with 120-B of IPC and Sections 8, 18 of the POCSO Act were added later on. The petitioner was arrested on 28.11.2023. The co-accused was arrested on 30.11.2023. The investigation has since been completed and challan has been presented in the Court. The petitioner had moved an application before the Court of learned Additional Sessions Judge-cum-Special Judge, Fast Track Court, Hisar for grant of regular bail but the same had been dismissed, vide order dated 07.02.2024.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this

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case. The allegations qua sexually assaulting and harassing the victim had not been levelled against him but the same had been levelled against co-accused Kuldeep. It was in fact co-accused Kuldeep, who was having an affair with the victim. The victim, with her free will and consent, had gone with the co-accused and the petitioner and the only role attributed to the petitioner is that he accompanied the co-accused and the victim on a motorcycle. He is in custody since 28.11.2023. The investigation has since been completed and challan has been presented. His custodial interrogation is no more required. No useful purpose would be served by keeping him in custody anymore. The trial is likely to take time. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel, assisted by learned counsel for the complainant, has argued that there are specific, serious and grave allegations as against the petitioner, who, in connivance with the co-accused Kuldeep, had enticed the minor victim away from the lawful guardianship of her parents without their consent on his motorcycle and thereafter, the victim was sexually harassed by the co-accused. It is argued that there are chances of the petitioner's intimidating the material witnesses and absconding, if extended benefit of bail. Hence, it is urged that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The co-accused Kuldeep, in connivance with the present petitioner, is alleged to have enticed away the minor victim from the lawful

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guardianship of her parents by inducing her on the pretext of performing marriage with her or for the purpose of subjecting her to illicit intercourse by some other person and as per the allegations, co-accused Kuldeep had sexually harassed and assaulted the victim and then left her along with the present petitioner and even the petitioner had made her board a train by snatching an amount of Rs. 5,000/- from her. The petitioner is in custody since 28.11.2023. Investigation has since been completed. *Challan* stands presented. The trial is likely to take time. The allegations of sexually harassing the victim have been levelled against co-accused Kuldeep and not against the petitioner. Keeping in view the nature of allegations as levelled against the petitioner, the period of his incarceration, the fact that the trial is likely to take time, I am of the considered opinion that the petitioner can be granted benefit of regular bail pending trial.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

17.05.2024  
*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

|                                  |            |
|----------------------------------|------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>Yes</i> |