

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

224

CRM-M-60851-2023 (O&M)
Date of decision: 06.03.2024

Manoj @ Lucky ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

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. 0117 dated 04.10.2023, registered under Sections 354, 354-D, 452, 506 of IPC and Sections 8 and 12 of the POCSO Act, 2012 at Police Station Sujampur, District Pathankot.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 04.10.2023, on the basis of statement recorded by complainant ‘S’ (*name withheld*), who is mother of the victim ‘M’ (*name withheld*), alleging therein that the present petitioner had been stalking her daughter, who was studying in 10th Class in the local Government High School for quite some time. Her daughter had told

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him not to do so but he used to extend threats to her. On 28.09.2023, the complainant along with her husband had gone to village Sujanpur for taking some medicine and she reached home at about 06.00 PM. On reaching there, she found her daughter to be very scared and on asking, she disclosed that the petitioner had criminally trespassed into their house and had tried to molest her. The son of the complainant, who is specially abled child, had reached there and had started raising noises but the petitioner had extended threats to both of them. He tried to catch her but she managed to climb on the stairs and had raised alarm and thereafter, the petitioner had fled away. She also alleged that as the petitioner was a co-villager and though the matter had been informed to the police by them on the same very day but till 04.10.2023, efforts were being made to get the matter compromised with the intervention of the other villagers but nothing could be settled and, therefore, she had reported the matter to the police on 04.10.2023. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 04.10.2023 itself. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and charges have been framed. Now, the petitioner is facing trial for commission of the aforementioned offences. He had filed an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 21.10.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued his counsel that he has been falsely implicated in this case. There is delay of six days in lodging of the FIR, which has not been satisfactorily explained. The version of the victim is highly improbable and unnatural and, therefore, the same is not believable. The trial is likely to

take time. The petitioner is ready to abide by all the terms and condition to be laid by this Court. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that he deserves to be given benefit of bail.

4. *Per contra*, learned State counsel has argued that the allegations against the petitioner are serious in nature. There are chances of his committing similar offences again, if extended benefit of bail. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Hence, it is argued by him that the petition does not deserve to be allowed.

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

6. The petitioner is alleged to have criminally trespassed into the house of the victim as on 28.09.2023, is further alleged to have tried to outrage her modesty and sexually harassed her. He is in custody since 04.10.2023. The trial has commenced but is likely to take time. Keeping in view the nature of the allegations as levelled against the petitioner, the period of his incarceration and the overall facts and circumstances of the case and also the fact that there is delay of six days in lodging of the FIR, I am of the considered opinion that the petitioner deserves to be given benefit of bail.

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. This order shall also be subject to the following conditions that:-

- (i) The petitioner shall not visit the residence of the victim or try to make any contact with her or any of her family members in any manner.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.

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.

06.03.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes