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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-26436-2025**

Date of Decision:- 05.09.2025

Manish Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Saransh Sabharwal, Advocate
for the petitioner.

Mr. Viney Saini, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Manish Kumar has filed second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 48 dated 12.09.2024 under Section 74 of Bharatiya Nyaya Sanhita, 2023 and Section 10 of POCSO Act, 2012 registered at Women Police Station, Sector-5, Panchkula (Annexure P-1).
2. Brief facts of the case are, prosecutrix 'JT' gave her statement that she is student of 9th class. On 12.09.2024, she missed her bus and she was waiting for another bus at Ramgarh Bus Stand. A policeman was standing there who told her that she got late and missed the bus. He further suggested that he would drop her at her school on his bike. Initially she refused 2-3 times but he insisted time and again and by believing him as policeman, she sat on his bike. He kept on changing the route time and

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again and finally took her to a deserted road where he stopped bike and started touching her in an inappropriate manner. She was scared and resisted him. Finally she was left to her school. Out of confusion, she could not see the number of bike. During the course of conversation he had disclosed his name as Manish. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that allegations levelled against him are false. He is behind the bars since 13.09.2024. Victim had denied her medical examination. Copy of her MLR is Annexure P-2. Victim is already examined before the trial Court as PW1. Her testimony is Annexure P-3, where she has not supported the allegations against him. Trial in this case may take long time. Earlier he had filed petition for regular bail bearing CRM-M-56680-2024 which was dismissed as withdrawn vide order dated 01.05.2025 (Annexure P-4). Thereafter, he again filed second regular bail application before learned Additional Sessions Judge, Panchkula and said bail application was declined vide order dated 06.05.2025 (Annexure P-5). Trial in this case may take long time. No purpose would be served by keeping him behind the bars. He will abide by terms of bail order.

4. Status report filed confirming the facts narrated in FIR. Statement of victim recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 is Annexure R-1 and copy of her MLR is Annexure R-2. Victim/prosecutrix had refused for her medical examination. During investigation, present petitioner was arrested on 13.09.2024. On completion of investigation, challan was presented on 13.11.2024. Charges were

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framed on 15.01.2025 and till date three prosecution witnesses have been examined including victim/prosecutrix. There are serious allegations against petitioner. One CD is also attached with status report. It is pointed out that petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record carefully. As per contents of FIR, allegations are serious and specific. On completion of investigation, challan is already presented and statement of victim has been recorded as PW1 (Annexure P-3). In the said statement, she confirmed the occurrence but finally failed to identify accused facing trial in the Court. Other prosecution witnesses are yet to be examined. Trial Court will appreciate the evidence at appropriate stage. Considering the aforesaid factual position, no purpose would be served by keeping him behind bars. Therefore, without expressing my mind on merits of case, 2nd regular bail petition filed by petitioner – Manish Kumar is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

05.09.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No