



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

CRM-M-42815-2025 (O&M)
Reserved on: 03.12.2025
Pronounced on: 05.12.2025
Uploaded on: 05.12.2025

MANMOHAN SINGH @ MANI

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Amanpreet (A.P.) Singh, Advocate
for the petitioner.
Mr. Hardeep Singh Wadhwa, DAG Punjab.
Mr. Akashdeep Miglani, Advocate
for the complainant.

SHALINI SINGH NAGPAL, J.

Petitioner seeks regular bail in case arising out of FIR No. 251 dated 14.12.2022 under Sections 376, 307, 379-B, 354-A, 354-B, 342, 324, 323, 511, 506 and 34 Indian Penal Code, Police Station Sadar Kharar, District SAS Nagar. This is second petition for regular bail, the first one was dismissed on 30.09.2024.

Prosecutrix alleged that she was 26 years old and was working as Staff Nurse in Fortis Hospital. On 13.12.2022, at around 9.00 PM, she reached Phase 6 Mohali on an auto, from where she took an auto to Kharar. There was a driver aged 25 years with another boy aged 22-25 years in the auto. When they reached Kharar bridge, they put curtains of the auto. The boy who was sitting at the rear seat snatched her phone and tried to commit rape. He asked her to take off her shirt to which she refused. Thereafter he manhandled her, argued and bit



the right side of her neck. She slapped him but he did not leave her and threatened to kill her. When she screamed in defence, they attacked her with a screw driver on left side of neck. The person, who was driving the auto rickshaw proclaimed that if she was not killed, she would implicate them and handed over knife to the boy on the rear seat. She tried to jump out of the auto but the boy on the rear seat caught her hand and dragged her to Amarya Green. When she pulled his feet, he hit her hands with nails and screw driver and she fell out of the auto. They let go of her hand. She fell down from auto and they fled away from the spot. She ran to the other side of the road and asked for help, but no one came to her rescue. Two boys standing there, gave her their shirts. Those boys then called a lady, who reached and got a lower for her, which she wore. A passer-by, on her asking, called her mother and who informed that her daughter was standing at Amarya Green, weeping and left. Her family members reached and took her to Civil Hospital, Kharar, where she was medico-legally examined.

Learned counsel for the petitioner submits that petitioner was in judicial custody for the last almost 03 years. He was merely driving the auto and there was no attempt to commit rape on his part. Allegations under Section 376 IPC were levelled against co-accused. As such, he deserved to be enlarged on regular bail.

Learned State counsel has filed custody certificate and opposed the prayer for regular bail. She submits that all witnesses were examined in the case. Even statement of the accused under Section 313 Cr.P.C. had been recorded and the case was at fag end. He further argued that considering the

serious nature of allegations against the petitioner, he did not deserve to be enlarged on bail. Moreover, there was one more case pending against him.

Learned counsel for the complainant has opposed the prayer for regular bail arguing that it was the petitioner who initiated the act and gave a screw driver to the co-accused who caused injuries to the prosecutrix. He injured her and dropped her on the road in half-naked condition. Considering the nature of allegations, he did not deserve to be enlarged on regular bail.

First bail application of the petitioner was dismissed by this Court vide order dated 30.09.2024, in view of gravity of allegations against him, the manner in which the offence was committed, as also the fact that prosecutrix has supported her version during the trial. There is no substantial change of circumstance since then. All offences are offences against the State and while granting or refusing bail, the Court has to draw a balance between the liberty of an individual and interest of the society. Considering the nature of the offence, the manner in which it was allegedly committed, the injuries suffered by the prosecutrix who has fully supported prosecution case, besides all other relevant facts and circumstances, no fresh ground is made out to release the petitioner on bail, despite the period of incarceration. Hence, without commenting on merits of the case, the petition stands dismissed.

(SHALINI SINGH NAGPAL)
JUDGE

Reserved on: 03.12.2025
Pronounced on: 05.12.2025
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>: Yes/No</i>
<i>Whether reportable</i>	<i>: Yes/No</i>