



CRM-M-48192-2024(O&M)

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

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CRM-M-48192-2024(O&M)
Date of Decision: 03.07.2025

Manish

..... Petitioner

VERSUS

State of Haryana & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ritesh Pandey, Advocate and
Mr. Chander Kant Rana, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.77, dated 17.08.2023 registered under Sections 323, 354-A, 506 IPC, 8 of POCSO Act and 376(2) (N) of IPC and Section 6 of POCSO Act added later on and after that Section 376 (2) (N) of IPC has been deleted and Section 376-AB has been added later on, at Women Police Station Assandh, District Karnal.

2. Brief facts of the case are that the abovesaid FIR was registered on 17.08.2023 on the statement made by complainant-P (name withheld to conceal the identity and to be referred to as 'P' or complainant/mother of victim hereinafter) stating that she is residing with the petitioner for the last 4 years. Her husband 'S' had left her 4 years back and he is missing. For the



last first one year, petitioner-Manish resided with her in her house at Assandh and he was in relationship with her. She told him several times to prepare documents of relationship, but he did not listen. Then he obtained mobile number of Sandeep from somewhere and thereafter, Sandeep started threatening her on phone. Due to fear, she accompanied petitioner-Manish to his house. Petitioner-Manish used to beat her younger daughter 'G' (name withheld) as a result of which her arm was fractured twice. He also tried to strangle her daughter, but she saved her. Even at his house, he used to beat her and her daughters. He also pointed knife towards her three times for killing and after consuming liquor, he used to abuse her. He has also stopped giving expenses to her. He remained at home entire day and did not do any work. He also did obscene act with her elder daughter 'R' (name withheld to conceal the identity and to be referred as 'R' or victim hereinafter). One day, on making inquiry by her, her daughter disclosed these facts to her. When she confronted Manish, he refused to do any such act. But when complainant herself saw and when her daughter started crying, she came to know about the truth. He gave severe beatings to them. Her mother-in-law and brother-in-law took them to hospital, where they were asked to go to police station. While returning, they both jumped from motorcycle and reached police station. Hence, the present FIR.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is innocent and has been falsely implicated in the present case. The contents of the FIR itself show that the petitioner and the prosecutrix were living together and one of the allegation in the FIR is that the petitioner has



stopped giving the money to her and for this reason, the instant FIR has been registered. He further submits that similar allegations were also levelled against three persons and they have been acquitted by the Court of learned Additional Sessions Judge-cum-Special Judge, Fast Track Court, Fatehabad vide judgment dated 06.06.2022 (Annexure P-6) and Additional Sessions Judge-cum-Exclusive Court for Fast Tracking of Heinous Crimes against Women, Karnal, vide judgment dated 22.09.2023. He further submits that the petitioner is in custody since 21.08.2023 and the investigation in the present case is complete; the challan has been presented; charges have been framed and out of total 14 prosecution witnesses, only two have been examined and the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, could not dispute the abovesaid factual aspect as narrated by learned counsel for the petitioner and has placed on record the custody certificate. As per custody certificate, the petitioner is in custody for the last 01 year, 10 months and 10 days.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody period of the petitioner i.e. 01 year, 10 months and 10 days and the facts that investigation in the present case is complete; challan has been presented; charges have been framed; out of total 14 prosecution witnesses, only two material witnesses have been examined and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his

furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court concerned.

7. The petition stands disposed of accordingly.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

03.07.2025

monika

Whether speaking/reasoned

Whether reportable

(NAMIT KUMAR)

JUDGE

: Yes/No

: Yes/No