



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

216

CRA-S-1170-2025

Date of decision : 28.05.2025

Manish @ Monu

.....Appellant

versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Abhimanyu Singh, Advocate for the appellant.

Ms. Priyanka Sadar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The appellant has filed the instant appeal challenging the order dated 20.03.2025 passed by learned Additional Sessions Judge, Bhiwani, whereby the application filed by the appellant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case FIR No.07 dated 09.01.2025 registered under Sections 69 & 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Women Police Station, Bhiwani, has been dismissed.

2. Status report by way of an affidavit of Sh. Anoop Kumar, HPS, Deputy Superintendent of Police, Bhiwani-II, on behalf of respondent No.1-State, has been filed in the Registry which is taken on record.

3. The abovesaid FIR was registered on a complaint made by the complainant/victim girl stating therein that she is a Singer and Manish @ Monu (the present appellant) is a Director of Music Center,



CRA-S-1170-2025

2

Surajgarh. They were met on you-tube and on 02.01.2024 the appellant called her at his studio at Surajgarh for recording the Bhajan. At that time she was minor and the appellant influenced her by saying that when she become adult, he will marry her. She came in his influence and appellant committed rape upon her against her wishes at Surajgarh. Thereafter, the appellant kept calling her on the pretext of music programme and whenever they met, the appellant rapped her every time. On 24.07.2024, the appellant called her to Surajgarh for a programme and when she was going to Surajgarh, she got a call from the appellant that programme at Surajgarh has been cancelled and now their programme is at Nanital and asked her to come at Kudal Bass. After some time the appellant along with Krishan Fauji and Anil Mokhra came at Kudal Bass in a car and took her with him. After crossing village Lohani, the appellant made Kirshan Fauji and Anil Mokhra get off the car and said them to take tea and took the victim girl in the fields and committed rape upon her in a car. Thereafter, the appellant, Krishan Fauji and Anil Mokhra took her to Kanchi Dham, Nanital and kept her there for six days, where the appellant again committed rape upon her. While coming back from Nainital, the appellant assured her parents that he will perform marriage with her when she attained majority. Thereafter, the appellant committed rape upon her many times. When she came to know that on 11.11.2024, the appellant has performed marriage with some other girl, she called the appellant and he told her that he performed marriage under compulsion and called her to Surajgarh on 15.12.2024, where he told her that he would get divorce

**CRA-S-1170-2025****3**

from his wife and will marry to her, for which he has sought some time. There he again committed rape upon her. After sometime, he refused to marry her and abused her being belongs to lower community. He also threatened to kill her. On the basis of the said complaint, the instant FIR was registered.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the present case. He submits that the relationship between the prosecutrix and appellant was consensual. He submits that the prosecutrix, who has been examined before the Trial Court as PW-2, has not supported the case of the prosecution and has been declared hostile. To the same effect is the statements of PW-3 father of the prosecutrix and PW-4 mother of the prosecutrix. He submits that the appellant is in custody since 10.01.2025 and he is not involved in any other case. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 29 prosecution witnesses, only 14 have been examined so far. He further submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the appellant behind bars.

5. On the other hand, learned State counsel has vehemently opposed the grant of regular bail to the appellant on the ground that the allegations against the appellant are serious in nature. However, she conceded the fact that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 29 prosecution witnesses, 14 have been examined. She has also filed

**CRA-S-1170-2025****4**

custody certificate dated 27.05.2025 in the Court which is taken on record. As per the custody certificate, the appellant is in custody for the last more than 04 months and he is not involved in any other case.

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

7. Keeping in view the custody period of the appellant, which is 04 months and 17 days and the facts that the prosecutrix, her mother and father have not supported the case of the prosecution in their statements recorded before the Trial Court and have been declared hostile; investigation is complete; challan has been presented; charges have been framed; out of total 29 prosecution witnesses, 14 have been examined so far; the appellant is not involved in any other case and the trial may take a considerable time to conclude, therefore, the instant appeal is allowed, the order dated 20.03.2025 passed by learned Additional Sessions Judge, Bhiwani is set aside and the appellant 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.

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 appeal only.

28.05.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No