

CRM-M-25180-2018 &
CRM-M-31687-2018

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

(1) CRM-M-25180-2018

Harman

...Petitioner

Versus

State of Haryana

...Respondent

(2) CRM-M-31687-2018

Mandeep Singh Gill

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:-12.10.2018

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.P.S. Sullar, Advocate
for the petitioner in CRM-M-25180-2018.

Ms.Garima Sharma, Advocate
for the petitioner in CRM-M-31687-2018.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-
25180-2018 filed by petitioner – accused - Harman and CRM-M-31687-

2018 filed by petitioner - accused – Mandeep Singh Gill for grant of regular bail in case FIR No.5 dated 27.2.2018, under Sections 506, 120-B, 365, 384 IPC, Section 4 of POCSO Act and 67-A of Information Technology Act, 2000, registered at Police Station Women, Yamunanagar, District Yamunanagar.

Briefly stated, the facts of the case, as per the prosecution version are that on 26.3.2017, Ravnit Sandhu, a student of New Happy Public School, Bilaspur brought a car and asked her class fellow, the prosecutrix (name withheld to protect her identity in view of Section 228-A IPC and as per the directions given by the Hon'ble Apex Court in case titled State of Karnataka Vs. Puttaraja, 2004(1) RCR(Cri.) Supreme Court, 113 (SC) and referred to as *the prosecutrix*) daughter of Amar Singh, resident of Machrauli having date of birth 20.4.2000 to accompany him stating that he wanted to talk to her; that Mandeep Singh Gill, resident of Mirpur had been studying in the same school; that Ravnit Sandhu took the prosecutrix in car No.5418, taking her to Sadaura from the side of Bilaspur; that Mandeep Singh Gill along with 2-3 accomplices started following the first car; that Ravnit Sandhu took the prosecutrix to a Hotel Ashveen Resorts, Kala Amb; that Mandeep Singh Gill also came there in his car; that Ravnit Sandhu took the prosecutrix to a room and after consuming cold drink and chocolate given to her by Mandeep Singh Gill, she became semi-conscious; there Ravnit Sandhu committed rape upon her despite the prosecutrix offering resistance; that Ravnit Sandhu prepared her obscene video from his mobile phone; that Mandeep Singh Gill and his associates kept standing outside all the time; they did not

enter the room; that Ravnit Sandhu took the prosecutrix back and left her outside the school; the prosecutrix said both Ravnit Sandhu and Mandeep Singh Gill that she would tell the incident to her parents, then Ravneet Sandhu threatened her that if she would tell about this incident to anyone, they would kill her and his family members and would made the obscene video viral; the prosecutrix was frightened and she kept mum; thereafter Ravnit Sandhu continued harassing the prosecutrix; that on 22.4.2017, Ravnit Sandhu pressurizing the prosecutrix to accompany him for going to hotel; Mandeep Singh Gill threatened the prosecutrix to co-operate with Ravnit Sandhu, otherwise he would upload her obscene video; that in the month of June, 2017, Ravneet Sandhu and Mandeep Singh Gill came in a car and asked the prosecutrix to accompany them threatening that otherwise they would make her video viral and out of fear the prosecutrix sat in the car of Ravnit Sandhu and Mandeep Singh Gill was also sitting with them; then Ravnit Sandhu and Mandeep Singh Gill took her to Ashveen Resorts, Kala Amb; that Mandeep Singh Gill was sitting outside at counter, then Ravnit Sandhu committed rape with her at Ashveen resort; that on that date also, he had prepared her video; Ravnit Sandhu and Mandeep Singh Gill brought her back; thereafter Ravnit Sandhu and Mandeep Singh Gill started harassing her; the prosecutrix gathered courage and refused to go with them; then Ravnit Sandhu made the obscene video viral sending it to Parkash, Mandeep Singh Gill and his relative Harman; that Harman made a call to the prosecutrix and told her that her number was given to him by Ravnit Sandhu and Mandeep Singh Gill and in case she want to get the video deleted then she should either

accompany him or give him money; the prosecutrix gave Rs.30,000/- to him, however, Harman demanded more money; that he took Rs.60,000/- in total from her; that Mandeep Singh Gill and Parkash started pressurizing the prosecutrix to develop physical relations with them; that feeling so much harassed, she disclosed the entire affairs to her parents, who had a talk about it to the family of Ravnit Sandhu and when Ravnit Sandhu came to know about this, then Mandeep Singh Gill, Parkash and Ravnit Sandhu uploaded the video on net and got it viral in the school and college and when the video reached the girls of her college, then they went on strike and did not allow the prosecutrix to go to school.

On the basis of the written complaint, formal FIR in the matter was registered. The prosecutrix was got medically examined. Her statement under Section 164 Cr.P.C. was got recorded. Accused Ravnit Sandhu was arrested in this case on 6.3.2018 and he got recovered the car and the Apple phone from which he had prepared the obscene video. On 21.3.2018, petitioner/accused Harman was arrested and he got recovered Rs.5,000/-. On 3.4.2018, petitioner/accused Mandeep Singh Gill was arrested and he got recovered the mobile phone make NOKIA. Accused Parkash was also arrested on 7.4.2018 and got recovered the mobile phone. After completion of investigation and other formalities, challan has been filed against the accused. The Charge has been framed and now the case is pending trial.

Both the petitioners had filed petitions for grant of regular bail in the Court of Sessions but were unsuccessful there, as such, they have approached this Court with the same request.

Notice of the petitions was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioners are very serious and grave which do not warrant their release on bail. The challan has since been filed. The trial is going on, which is likely to be concluded in near future. The apprehension expressed by the State counsel that if petitioners are granted bail, there is every likelihood to their absconding and even trying to tamper with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merit in the petitions, the same stand dismissed.

12.10.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No