

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-37605 of 2018 (O&M)

Date of decision : November 16, 2018

Sumodh Kumar

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Kunal Dawar, Advocate, for the petitioner
Mr. Deepak Sabharwal, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

In this regular bail application under Section 439 Cr.P.C. allegations against petitioner Sumodh Kumar, a person aged 50 years, are as follows:-

That the prosecutrix a young girl who was getting tuition for NEET examination was staying in a hostel, when on 6.6.2018 at 12.00 AM, the accused who was her Chemistry Teacher on the pretext of using her washroom entered her dwelling unit and tried to commit rape upon her by un-robing her and remarking that for biological need of two individuals a physical relationship was essential and on refusal by her she was threatened leading to the registration of the present case and arrest of the accused-

petitioner.

Mr. Kunal Dawar, learned counsel for the petitioner has argued that the petitioner is a middle aged person having medical problems and is in custody since a long time and there is inordinate delay in registration of the case and argued that there is no medical evidence to support the stand of the complainant arguing that the trial is not likely to be concluded in near future and no useful purpose will be served by keeping the petitioner in continuing custody.

The bail has been sought to be opposed by learned State counsel on the grounds that the petitioner being teacher of the prosecutrix a young girl has sought to take undue advantage of her and in view of the seriousness of the allegations and the fact that if allowed bail he would influence the prosecution witnesses and thus he does not deserve the concession of bail.

Going through the arguments of the two sides during the course of investigations the prosecutrix has been medico legally examined and bruises were found on her person and in her statement during the investigations on various occasions have reiterated the allegations. There are serious allegations whereby the accused has tried to take undue advantage of his position as a teacher of a young girl student and in the process had tried to commit an act of sexual assault. Being teacher in an Institution such a shocking act certainly is a distressing feature for the

society. Mere incarceration is no extenuating circumstance for the grant of bail. In the light of allegations and the seriousness of the offence does not entitles him to any relief. The bail application stands dismissed.

November 16, 2018

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Whether Reportable ?

Yes/No

Yes/No