

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

CRM-M-38002-2018

Date of decision:-10.10.2018

Sagar @ Jolly @ Sansar

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.R.S. Mamli, Advocate
for the petitioner.

Ms.Aditi Girdhar, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Sagar @ Jolly @ Sansar – an accused in FIR No.53 dated 19.1.2018,
under Sections 323, 354-D, 452 IPC and Section 12 of POCSO Act,
Police Station City, Sirsa.

Briefly stated, the facts of the case as per prosecution story,
are that criminal machinery in this case was set into motion by
complainant Surjit Singh son of Shokand, resident of Kothi No.1, Sector

20, Sirsa working as Superintendent in HUDA Office, who *inter alia* stated that accused Jolly @ Sansar Singh son of Sh.Rajinder Singh, resident of village Jodhpuria had been staying in a *dhani*; that he is a criminal having several cases of kidnapping and chain snatching registered against him; that he had been released on bail some time back; that he had been staying with 3-4 boys having illegal weapons; that daughter of the complainant was admitted in Punia Hospital, Sirsa due to illness; that on 17.1.2018 at about 11:15 night, Jolly @ Sansar along with 3-4 boys forcibly entered room of her daughter in the hospital and misbehaved with her trying to kidnap her; that when Savitri wife of the complainant tried to offer resistance, the culprits threatened that they would come again; that earlier also such accused had been stalking Sanju (minor daughter of complainant) on bullet motorcycle and that his family apprehends danger from him.

On the basis of such written complaint, formal FIR was registered. Accused was arrested in this case on 24.1.2018. After completion of investigation and other formalities, challan has been filed. Charge has been framed against the accused for the offences under Sections 323, 354-D, 452, 34 IPC and Section 12 of POCSO Act. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Sirsa vide order dated 14.8.2018, as such, he has approached this Court with the same request.

Notice of the petition 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.

Learned counsel for the petitioner/accused has submitted that the petitioner is innocent, the girl in question is A major and she had written a letter to Sessions Judge on 5.4.2018 that she was having friendship with accused, who had not committed any offence; that he had just come to the room to meet her and then gone back.

Whereas according to learned State counsel, the petitioner is a hardened criminal involved in as many as eight other criminal cases for various offences, details of which are as under:

- (i) FIR No.369 of 2016, under Sections 392/397 IPC, PS Rania;
- (ii) FIR No.247 of 2016, under Section 392 IPC, P.S. Uklana;
- (iii) FIR No.255 of 2016, under Sections 398/401 IPC, P.S. Uklana;
- (iv) FIR No.415 of 2016, under Section 395 IPC and Arms Act, P.S. Bhuna;
- (v) FIR no.414 of 2016, under Section 395 IPC and Arms Act, P.S. Bhuna;
- (vi) FIR No.466 of 2016, under Section 379 IPC, P.S. Palam Vihar, Delhi;
- (vii) FIR No.3 of 2014, under Sections 452, 354, 323, 34 IPC, P.S. Odhan; and
- (viii) FIR No.196 of 2016, under Sections 379, 411, 34 IPC, P.S. Delhi.

Learned State counsel further submits that during the trial statement of the prosecutrix was recorded wherein she supported the prosecution story fully.

After hearing the rival contentions of the learned counsel for the parties, I find that the allegations against the petitioner/accused are quite serious of stalking a minor girl and then going to the extent of trying to kidnap her from the hospital, where she was admitted due to illness taking help of his accomplices. Such acts cannot be taken lightly. He is being involved in eight criminal cases of various types goes to point out towards his past criminal record and criminal bent of mind. Merely because some letter had been written by the prosecutrix to Sessions Judge, does not help the petitioner in any way since she while getting recorded her statement before the Court has fully supported the prosecution story. Along with the gravity and seriousness of allegations against the petitioner, there is apprehension of his trying to tamper with the prosecution evidence and even to abscond, if granted bail. The trial against the petitioner is likely to be concluded in near future.

Therefore, finding no merit in the petition, the same stands dismissed.

10.10.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No