

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-4073-2019

Sunny Romana alias Sandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

215(2)

CRM-M-3964-2019

Rohit Madan @ Rohit Madaan

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision:28.02.2019

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Vikas Sonak, Advocate for
Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner in CRM-M-4073-2019.**

**Mr. Achin Gupta, Advocate,
for the petitioner in CRM-M-3964-2019.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

These two identical petitions bearing CRM-M-4073-2019
(Sunny Romana alias Sandeep Singh Versus State of Punjab) and CRM-M-3964-2019 (Rohit Madan @ Rohit Madaan Versus State of Punjab),
are being decided together vide this common order as both these cases are
arising out of the same FIR. However, for the facility of reference, facts

have been taken from **CRM-M-4073-2019 (Sunny Romana alias Sandeep Singh Versus State of Punjab)**.

Prayer in these petitions filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners- Sunny Romana alias Sandeep Singh and Rohit Madan @ Rohit Madaan in FIR No.213 dated 30.09.2017 under Sections 376/120-B IPC and Sections 5/6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City/Kotwali, Faridkot, District Faridkot.

The aforesaid FIR was registered at the behest of the prosecutrix who is about 14 years of age and is a 9th class student. As per FIR, Harpreet Singh @ Happy son of Bhola Singh is residing in her neighbourhood. About five months before registration of the FIR, when Renu Bala-mother of the prosecutrix had gone to attend cremation in some relations and the prosecutrix was alone in the house, accused Harpreet Singh @ Happy entered her house by scaling the boundary wall. He made physical relations with the prosecutrix against her wishes. However, after two days of the incident, when the prosecutrix narrated the occurrence to Navjot Kaur @ Jyoti, sister of Harpreet Singh @ Happy, she assured that she would facilitate her marriage with her brother Harpreet Singh @ Happy and asked the prosecutrix to remain silent. About three months before registration of the FIR, said Navjot Kaur @ Jyoti threatened the prosecutrix and got her physical relations developed with one Rohit Madan @ Rohit Madaan (petitioner in CRM-M-3964-2019). Further, taking the advantage of the said two incidents, Navjot Kaur @ Jyoti made the prosecutrix to talk with one Sunny Romana (petitioner in CRM-M-4073-2019) and got developed her physical relations with him also. The prosecutrix under the

fear tolerated it because the accused had threatened her to kill her and her family members and it is for this reason, the occurrence was not disclosed by the prosecutrix to her family members. Thereafter, she has disclosed the incident to her mother Renu Bala.

Learned counsel for the petitioner(s) have argued that the petitioners have been summoned in the case on an application filed under Section 319 Cr.P.C. Otherwise they were found innocent by the police. The other co-accused Navjot Kaur @ Jyoti, who is similarly situated and was also summoned under Section 319 Cr.P.C., has been admitted on bail by this Court vide order dated 19.11.2018 passed in **CRM-M-50814-2018 (Navjot Kaur alias Jyoti Versus State of Punjab)**, which was subsequently made absolute on February 20, 2019. He refers to the judgment of the Hon'ble Apex Court in **Vikas Versus State of Rajasthan, 2013(4) R.C.R. (Criminal) 948.**

Learned State Counsel on instructions from SI Jagandeep Kaur has argued that though the petitioners were shown in column No.2, but on further investigation, the police has found the petitioners as accused and for this reason, police is now in the process of filing of supplementary challan.

Heard learned counsel for the parties.

The prosecutrix is a girl of 14 years of age. In the FIR, there is complete narration of the involvement of the petitioners. Merely because Navjot Kaur @ Jyoti has been admitted on anticipatory bail, is no ground to admit the present petitioners on bail, more particularly when the allegations against them are to commit rape upon the prosecutrix. The judgment referred in **Vikas's case (supra)**, is not attracted to the peculiar facts and circumstances of the case in hand. The offence committed by the petitioners

is serious.

The present petitions are accordingly dismissed.

It is made clear that the observations made here-in-above are confined to the present petitions for the grant of anticipatory bail only and the same shall not be construed any observations on the merits of the case.

February 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No