

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

CRM-M No.41120 of 2018
Date of decision: 9th January, 2019

Gaurav Deshwal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

The present case by way of FIR No.75 dated 23.07.2018 under Sections 420/506 IPC and Sections 4/17 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Jatusana, Rewari was got registered on the complaint of complainant, a young unmarried girl aged around 16 years, who happens to be a player of volleyball and throw-ball. In her complaint, she alleged that the petitioner Gaurav Deshwal was her coach and took her along with one Mausam Devi to outstations for the purposes of playing matches. It is during such an event, on 28.11.2016 at Rohtak after hatching a conspiracy with his co-accused non-applicant Mausam Devi, the petitioner had ravaged the complainant and threatened her with dire consequences of elimination of the victim and her family members and thereafter, one month prior to the registration of the present case on

23.07.2018 the victim was again ravaged in a similar manner at Chandigarh leading to registration of the present case and arrest of the petitioner on 10.08.2018.

Learned counsel for the petitioner Mr. Abhinav Gupta, Advocate submits that the allegations against the petitioner have come about belatedly and in fact it was the petitioner who had advanced money amounting to Rs.1.80 lacs to the father of the complainant and on demand by the petitioner he has been falsely implicated and that the petitioner is behind bars since a long time, and sought to place reliance on Annexure P2 and has also sought to question the jurisdiction of police at Rewari.

Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana appearing on behalf of the State on instructions from ASI Mohinder Singh has strongly opposed the grant of bail on the grounds that the petitioner being the coach had physically abused the prosecutrix, a minor girl and had even threatened her and thus, was not entitled to grant of bail, and if allowed bail the petitioner would influence the witnesses at the trial.

Going through the submissions of the petitioner's counsel as well as the learned State counsel, admittedly the victim is a minor girl and there are serious allegations against the petitioner who in the capacity of a coach of the victim had connived with his co-accused and ravaged the girl on two occasions. The medical evidence corroborates these

allegations. The argument that has been sought to be raised by the learned counsel for the petitioner regarding lending of money is subject matter of judicial adjudication at the trial. The apprehension of the State that if allowed bail the petitioner might influence the witnesses is not unfounded, together with the seriousness of the allegations and heinousness of the offence does not entitle him to any relief, as mere incarceration is no extenuating circumstance. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

January 9, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No