

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-21448 of 2019 (O&M)
Date of decision : May 16, 2019

Sumodh Kumar

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. MS Kathuria, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State with
SI Jitender Singh, PS Civil Lines, Hisar

Fateh Deep Singh, J. (Oral)

Petitioner-accused Sumodh Kumar, a teacher by profession, aged around 50 years has come up in this second regular bail application in case FIR No. 408 dated 14.7.2018 under Sections 376/511, 506 IPC (354-A (II), 354-B IPC added later on), Police Station Civil Lines, Hisar, the first one having been dismissed by this Court vide orders dated 16.11.2018.

Heard Mr. MS Kathuria, counsel for the petitioner and Mr. Amrik Narwal, DAG Haryana assisted by SI Jitender Singh, PS Civil

Lines, Hisar.

The brief allegations levelled by the complainant a girl aged around 19 years, a student of the Institute alleging that on 6.6.2018 at 12.00 AM time, the petitioner who happens to be staying in the same very building of the Hotel came to the room of the complainant and sought her permission to use her washroom and when permitted the accused went to washroom. On coming out, as per the allegations, the accused took off the clothes of the complainant while she was lying and remarked that sex was very vital for living beings and when she resisted, the accused while leaving had threatened her leading to the registration of the present case.

The contentions of the learned counsel for the petitioner Mr. Kathuria that the petitioner is in custody since 29.7.2018 and the story as detailed by the girl in the FIR and in her statement under Section 164 Cr.P.C. are poles apart and material improvement as well as contradiction submitting further that being a major it was a consensual relationship, if any and therefore, prayed for grant of relief.

Learned State counsel has vehemently opposed the grant of bail submitting that the earlier bail application has been declined by this Court and no fresh ground has arisen for allowing the same.

Admittedly, by a detailed order, the earlier regular bail application was declined by this Court on 16.11.2018. Counsel for

the petitioner could not convince this Court what fresh ground has come about in allowing bail so soon except the fact that the petitioner is behind the bars. In view of the seriousness of the allegations, this Court does not feels inclined to allow the relief and thus, the present bail application stands dismissed.

May 16, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No