

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-33582 of 2019 (O&M)
Date of decision : December 03, 2019

Komal

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sushil Jain, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State with
ASI Neelam, Police Station Women, Sirsa

Fateh Deep Singh, J. (Oral)

This is an anticipatory bail application under Section 438 Cr.P.C. in case FIR No. 075 dated 18.7.2019 under Sections 109,120-B, 323, 328, 366-A, 376(2)(n), 506 IPC, and Sections 6 and 17 of POCSO Act, 2012, Police Station Women Sirsa, filed by accused-petitioner Komal a young student aged around 21 years. The allegations have come about from mother of minor girl aged around 13 years. It is alleged that while the alleged victim was a

student of 10th class in a school, the accused petitioner who happens to be cousin sister of principal accused non-applicant Pardeep Khatri in connivance with each other after the petitioner entered into friendship with the victim introduced her to the principal accused and under coercion and pressure as well as threat entangled the daughter of the complainant and provided her with a mobile phone on which the girl would often interact with the principal accused. During this period the principal accused used to defile the victim for almost two years. The complainant further alleges that the principal accused used to allure other innocent girls through the petitioner in a similar manner.

Learned counsel for the petitioner submits that as per the allegations name of one Pooja daughter of Bishamber has come about whereas name of the present petitioner happens to be Komal daughter of Baldev contending that there is nothing to connect to it. It is contended that the victim used to interact with the principal accused through facebook and placed on record photostat copy of the print out and argued that nothing is to be recovered from the petitioner who is a college student and has been falsely implicated being relative of the principal accused Pardeep.

Learned State counsel has stoutly opposed the bail on

the grounds that the principal accused Pardeep happens to be engaged on the school bus of the victim and through her cousin used to allure young girls of the school and defiled them and often used to threaten them not to report the incident to anyone, thus, praying that in view of the seriousness of the allegations disentitles the petitioner to any relief.

Going through the submissions as has come before this Court the principal accused non-applicant Pardeep happens to be a driver on one of the vans as is elicited in the statements of the witnesses. The accused Pardeep along with his co-accused Raman used to trick the minor girls into their fold which is substantiated by other girls of the school and when the matter was reported to the school authorities, accused Pardeep through his parental sister the present petitioner got them talking on mobile phone. Specific allegations have come about how the petitioner has threatened the minor girls with dire consequences in case she refused to enter into friendship with the principal accused. It is as a consequence of this the girl was called into a Van by the accused where she was defiled and her pictures in compromising position were taken and thereafter was threatened that the same would be uploaded on the net. Under this threat, the principal accused including the petitioner used to

ravage the minor girl and make her consume pills. In the light of the fact that a racket is being run under the nose of the school authorities where there is every likelihood that other minor girls too might have been victims of this machination. Thus to unravel the entire gamut necessitates thorough and comprehensive investigations for which the custodial interrogation is necessitated. Finding no merit, the present petition stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 03, 2019

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**(Fateh Deep Singh)
Judge**

*Whether speaking/reasoned ?
Whether Reportable ?*

*Yes/No
Yes/No*