

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

CRM-M No.45510 of 2019

Date of decision: 16th November, 2019

Sunil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Manoj K. Taya, Advocate for the petitioner.

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

FATEH DEEP SINGH, J.

A case by way of FIR No.278 dated 15.08.2018 under Sections 323, 376(3), 376(D), 366, 366-A, 376-DA, 511, 506 IPC and sections 4 and 18 of Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Madhuban, Karnal was got registered against accused non-applicants Rai Singh alias Sonu, Vishal, Rinku, Naveen and Neeraj, and during the course of trial upon application moved under Section 319 Cr.P.C., the accused petitioner Sunil was summoned as an additional accused by the Court of learned Additional Sessions Judge-cum-Special Court for the Cases of Heinous Crime against Women, Karnal vide order dated 22.08.2019. Petitioner Sunil apprehending his arrest has come up before this Court in this first anticipatory bail application under Section 438 Cr.P.C.

It was on the complaint of father of an unmarried girl alleging that on 14.08.2018 at night around 11:30 p.m. accused petitioner along with his co-accused non-applicants Sonu, Rinku and Vishal, all residents of village Barsat and one Neeraj resident of Jamalpur, came to their house in a car bearing registration No.HR-05A-4781 and tried to take away the unmarried daughter of the complainant. On hearing footsteps, the family woke up and apprehended accused Neeraj while the other managed to escape. It was subsequently on the statement of the girl, it came forth that while the victim was residing at her maternal uncle's house in village Barsat, all the accused used to stalk her and during that time while she was a minor, managed to entrap her and all of them defiled her one by one and also prepared a video of the episode. It was on the basis of this video, as has been claimed by the victim, the accused had been blackmailing her and under this pressure she used to oblige each of the accused as and when they wanted, and who kept on threatening her that they would put the video on net and that is how the present case has come about.

Learned counsel for the petitioner Mr. Manoj Kumar Taya, Advocate inter alia contends that the petitioner was found innocent and has been subsequently summoned with the aid of Section 319 Cr.P.C. and therefore his custodial interrogation is not necessary and his co-accused have already been allowed bail.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Ashok Kumar, has not controverted the facts brought before this Court but has strongly

opposed grant of bail on the grounds that the accused petitioner along with his co-accused were instrumental in committing such a heinous crime with a young girl and had entrapped her in their web and kept on misusing her and thus, is not entitled to any relief.

Going through the submissions of the two sides, no doubt the initial occurrence has taken place when the victim was a minor. It was thereafter the girl as per her own stand had been submitting herself to the whims and fancies of the accused and did not utter any allegation or complain the fact to anyone. It is over a period of time of more than one year, the same had continued. The learned State counsel fairly concedes at the bar that there is no medical evidence to substantiate the offence of rape. No doubt as is there, the petitioner happens to be one of the axis on which the crime has revolved however, in view of the fact that petitioner has been initially found to be innocent during investigations, this Court is of the opinion that his joining the trial would suffice the purpose. Accordingly, the petitioner is directed to appear before the trial Court within fifteen days from today and upon his doing so he shall be released on bail to the satisfaction of the learned trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 16, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No