

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

CRM-M-17249-2020 (O&M)

Date of decision: 04.08.2020

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This third petition for regular bail has been filed by petitioner Sonu, aged about 24 years, an accused in FIR No.609 dated 17.11.2017, for an offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered with Police Station Sector-5 Gurgaon, District Gurgaon.

In nutshell, the prosecution story is that, on 17.11.2017 at about 11:30 a.m., while the complainant Anju wife of Manoj Gupta, resident of Udham Singh Nagar, Rudarpur residing with her husband in House No.44, Sheetla Enclave near Vidyawati Dharamshala in a rented accommodation for the last about two months, had gone to the shop of her husband Manoj Gupta at Gurugram Bus Stand, in the meanwhile, she received a telephonic call from her neighbour that one boy doing white

wash work had molested her daughter aged about 9 years. The complainant immediately went home and inquired from her daughter, who told that when she went to see the water tank on the roof, then white wash person Sonu (present petitioner) came and told her that he would give her ten rupees and then bolted the room from inside and started removing his pant, at which she rushed out of the room giving a push to the accused and raised noise, hearing which, persons from public overpowered the petitioner accused and gave beatings to him. The complainant informed the police at No.100; the police officials came and the complainant submitted a written complaint to the police, which formed basis for registration of formal FIR. Accused was arrested. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by Additional Sessions Judge, Gurugram vide order dated 02.05.2020.

The petitioner had filed a similar petition bearing No.CRM-M-24436-2018 for grant of regular bail earlier before this Court, which was dismissed, vide order dated 14.09.2018. The operative part of the order happened to be as under:-

“The allegations against the petitioner/accused are very grave and serious of trying to have sexual intercourse with an innocent minor girl of nine years giving her allurements of money. He comes out to be sex maniac and if released from custody, he may ruin the lives of several innocent young girls. He is a risk to the society at large and does not deserve any sympathy. The trial against him is going on, which is likely to be concluded in near future. Therefore, no ground is made out to grant regular bail to the petitioner. Along with the gravity and seriousness of allegations against the petitioner, there is

apprehension of his trying to tamper with the prosecution evidence and even to abscond, if granted bail.”

He has approached this Court again seeking regular bail, which request is being opposed by learned State counsel.

After hearing learned counsel for the parties and going through the record, I find that no ground for grant of regular bail to the petitioner is made out. The trial is at the fag end and is at the stage of defence evidence. Though, on account of Covid Pandemic, the working of the Courts has been affected for some time but hopefully things will be back to normal very soon. The guilt of the accused shall be determined on conclusion of trial. Therefore, no ground for grant of regular bail to the petitioner during pendency of the trial is made out. The petition being without merit stands dismissed.

04.08.2020

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No