

**204+102 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-698-2022 in/and  
CRM-M-38679-2021  
Date of decision: 21.01.2022

Kuldeep .....Petitioner

versus

State of Haryana .....Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

**Present:** Mr. Pratham Sethi, Advocate  
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana  
for the respondent-State.

**FATEH DEEP SINGH, J.**

Due to outbreak of pandemic COVID-19, the instant  
case is being taken up for hearing through video conferencing.

**CRM-698-2022**

In view of the averments made in the application and in  
the interest of justice, the same is allowed. Documents annexed  
therewith as Annexure P-8, is taken on record.

CRM stands disposed off.

**CRM-M-38679-2021**

This is 3<sup>rd</sup> regular bail application under Section 439 of the petitioner/accused-Kuldeep Singh in a case bearing FIR No.0015 dated 10.04.2020 under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, Sections 34, 363, 366-A, 376, 376-DA, 506 of the Indian Penal Code (Sections 354-D, 376 (3) of the IPC added later on) registered at Women Police Station, District Hansi.

The present case was got registered on the statement of the victim, a girl aged around 14½ years. In her allegations, the victim alleged that she was a student of 10<sup>th</sup> class and often used to chat on her mobile phone with present petitioner-Kuldeep for almost one month and which phone was gifted to her by said Kuldeep. It is alleged that on 09.04.2020 at around 9:30 hours, late evening, she received a mobile call from Kuldeep asking her to come to Bus Stand of Village Sisai and without informing anybody in her house, she went to the said place, where co-accused/non-applicant-Sheelu and Pardeep met her and took her in a vehicle towards the grain market. It is, thereafter, Pardeep left the place and Sheelu as well as Sandeep took her in the same vehicle in the fields of the village, where she was defiled by both of them.

Thereafter, again, accused-Mohit called her at his own and ravaged her and out of fear, the victim did not disclose it to anyone as she was threatened by the said person. On coming to her home, she disclosed the fact to her mother and, thereafter, the matter was got registered.

Learned counsel for the petitioner has vehemently argued that the petitioner is behind the bars for more than one year and nine months and only the victim has been examined out of 18 prosecution witnesses and there is nothing substantial to connect the petitioner with the commission of the offence and has sought to co-relate to her statement under Section 164 Cr.P.C.

The learned State counsel has strongly opposed the grant of bail on the grounds that the girl is a minor and that it was a clever ploy emerging out of conspiracy between all the accused that the girl had been repeatedly defiled against her wishes by the accused under threat and has attributed role of petitioner to be that of facilitator of the crime.

The overall scenario that has been highlighted before this Court abundantly reflects the manner in which all these accused who are youth of the village, have entrapped an innocent minor victim and had been defiling her repeatedly. It cannot be

accepted as has sought to be argued by learned counsel for the petitioner that there is no role assigned to the petitioner rather what is reflected is that the petitioner is the facilitator of this crime and have enticed the poor victim, firstly, by getting her a mobile phone and, thereafter, making a call and calling her to the place of occurrence from where she was taken whereby the co-accused, are matter of much relevance, this Court does not feel inclined to allow the present petition and, thus, the same stands dismissed

21.01.2022  
*Neha*

(FATEH DEEP SINGH)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No