

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40655-2022

Date of Decision : 09.12.2022

Reserved on 08.12.2022

Sonu Khatri

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Sidakmeet Sandhu, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

VIKRAM AGGARWAL, J

Prayer in this petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.51 dated 17.03.2022, registered under Sections 506, 509 IPC and Section 8 of the Protection of Children from Sexual Offences Act, at Police Station Women, Karnal, District Karnal.

The allegations against the petitioner are that the petitioner, who is a coach, used to go to different places with sports persons for tournaments. In the year 2019, the daughter of the complainant, who was 17 years old at that time, accompanied the petitioner and his daughter, who was her friend, to France for some practice. All three were staying in the same room. The petitioner is alleged to have molested the minor girl at night. When she objected, the petitioner threatened her that she would be

turned out of the game if she disclosed about the incident to anyone. The victim disclosed about the incident to the daughter of the petitioner who did not believe her and instead thought that she was defaming her father. She is also alleged to have threatened the victim and asked her not to talk to anyone in this regard. This continued for more than two months while they were in France and even subsequently whenever the victim used to go out anywhere to play, the petitioner used to molest her. On finding her daughter to be perturbed and as she had starting losing one game after the other, the complainant, who is her mother, asked her the reason. It is at this point of time that she disclosed about the incidents to her. A complaint was submitted to the police, on the basis of which the instant FIR was registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. It has been argued that since the victim lost her matches against the daughter of the petitioner, she got this false complaint filed. It has also been submitted that the petitioner is in custody since 23.03.2022; the trial will take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

On the other hand, learned State counsel has opposed the bail petition. It has been submitted that the testimony of the victim is yet to be recorded and if the petitioner is released on bail he may try to influence and threaten the victim and her mother.

The allegations against the petitioner are serious. The victim was minor at the relevant time. The petitioner was in a dominating position. If the petitioner is released on bail, there is a strong likelihood of his trying to influence and even threaten the witnesses. Merely because the petitioner

has suffered incarceration for almost 09 months is not a sufficient ground for release of the petitioner on bail. Considering the fact that the testimony of the prosecutrix and her mother is yet to be recorded, I do not find it to be a case of bail.

In view of the aforementioned facts and circumstances, finding no merit in the present petition, the same is hereby dismissed.

(VIKRAM AGGARWAL)
JUDGE

09.12.2022
mamta

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