

**In the High Court for the States of Punjab and Haryana at
Chandigarh**

CRM-M-51671-2021

Date of Decision: February 04, 2022

Sonu Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.K. Jain, Advocate,
for the petitioner.

Mr. Vikas Bhardwaj, A.A.G., Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

Vivek Puri, J.

In the present petition, petitioner-Sonu Kumar is seeking regular bail in the case bearing FIR No. 89, dated 04.10.2020, under Sections 354-A, 354-D, 376, 376(2)(n), 506 IPC and Sections 6, 8, 12 of POCSO Act, registered at Police Station Women Bhiwani, District Bhiwani.

Custody certificate of the petitioner has been circulated through e-mail and the same is taken on record.

Briefly, the FIR has been registered on the basis of the statement of the prosecutrix/victim alleging that she was a student of B.A. 1st year and attending H.S. Sports Academy, Nangal, along with other boys and girls for volleyball coaching. Satpal Punia was running the

academy. Sonu, Manoj and Manjeet, co-accused had also been visiting the academy for the game practice. In January, 2017, Satpal Punia took the victim along with other children to Ujjain, Madhya Pradesh to participate in volleyball games. Satpal Punia administered some intoxicant substance in a jalebi to the victim, who went to the room and slept. In the midnight, she found that Satpal Punia had turned her clothes up and was outraging her modesty. Sonu, Manoj and Manjeet accused were making video films from the mobile phones while Satpal Punia was doing wrong act with the victim. After their return, Sonu accused told the victim that he along with Manoj and Manjeet were having the videos and threatened to upload the same on social media in the event, she did not abide him. The victim got scared and on that pretext, the petitioner had been repeatedly committing rape upon her. Even on the threats of the petitioner, the victim was asked to have sexual intercourse with Parvesh Sihag. Both of them have been committing forcible sexual intercourse with the victim on repeated occasions.

Learned counsel for the petitioner contends that the FIR has been registered against five persons, but challan has been presented against only three persons. Moreover, there is no supporting medical evidence and even no video or photographs were found in the mobile phones of the accused. The investigation of the case is complete and challan has already been presented.

On the contrary, learned State counsel has opposed the bail application on the score that the petitioner along with co-accused had subjected the victim to repeated forcible sexual intercourse. The victim

was aged about 17 years at the time of occurrence. Though the challan has been presented, but the statement of the victim is yet to be recorded. It has been further pointed out that even in the statement under Section 164 Cr.P.C., the victim has reiterated her allegations.

The custody certificate indicates that the petitioner has undergone incarceration for a period of 09 months and 28 days. The reply also indicates that out of 17, 08 witnesses have already been examined. However, the statement of the victim is yet to be recorded. The victim has leveled specific and categoric allegations against the petitioner, on the basis whereof, the FIR has been registered. Even she reiterated her allegations in the statement recorded under Section 164 Cr.P.C. The petitioner has been subjected to repeated forcible sexual intercourse by threatening that the petitioner was in possession of some obscene videos and photographs. Even she was forced to indulge in sexual intercourse with the co-accused on asking and threat extended by the petitioner. The nature and gravity of accusation are the significant factors which are to be looked into at the time of extending the concession of bail.

Keeping in view the entire circumstances emerging in the instant case, no reasonable ground is made out to extend the concession of bail to the petitioner.

Present petition is dismissed accordingly.

February 04, 2022
vkd

[Vivek Puri]
Judge

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No