

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

309

CRM-M-23461-2021  
Date of decision : 26.04.2023

**Sanjeev Kaushal @ Sanjeev Kumar**

..... Petitioner

V/S

**State of Punjab**

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Himanshu Puri, Advocate, for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. Rahul Garg, Advocate for the complainant.

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**AMARJOT BHATTI J. (ORAL)**

The petitioner-Sanjeev Kaushal @ Sanjeev Kumar has filed the instant petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.-35 dated 19.03.2021, registered under Sections 363, 376, 506, 511, 354-A, 354-D of IPC and Section 6 of POCSO Act and Section 67-A of I.T Act, at Police Station Nangal, District Rupnagar.

As per the facts of the case the prosecutrix gave her statement to the police that she was student of final year of B.Pharmacy in Shivalik College, Mojowal. In the year 2015, she received friend request from Sanjeev Kaushal @ Sanjeev Kumar on her facebook ID. The said request was accepted. On 1<sup>st</sup> August, it was her birthday and he wanted to celebrate. Both of them went to Golden Hotel where one room was booked by Sanjeev Kaushal @ Sanjeev Kumar. She was taken to the room forcibly by saying that nobody would see them from outside. They cut a cake, thereafter, he had sexual relationship with her forcibly. He started blackmailing her that he would defame her. In the

year 2016, she stopped talking to him as she was told by her maternal uncle. In the year 2019, when she started going to college, he used to follow her and again started harassing her. She came in contact with him on 01.08.2019 and he took her to Golden Ajoli, where he had again sexual relationship with her and clicked her obscene photographs. On 18.03.2021, she went to her college and at about 2:00 PM he was standing near the gate of her college. He forcibly tried to make her to sit in his car, but she avoided him. She was taken to his house several times when nobody was present. He was constantly threatening her to upload her obscene photographs. Ultimately, the matter was reported to the police and after investigation present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. At the most it was a consensual relationship. She willingly accompanied him and he did not use any force on her. No incriminating or objectionable thing was recovered from his mobile phone. His regular bail application was wrongly declined by the learned trial Court. He is behind the bars since 25.03.2021. He will abide by the terms of the bail order. Even the statement of the said victim has been recorded. It is prayed that his regular bail application may be allowed.

The learned counsel representing the State has opposed the bail application. It is pointed out that there are specific serious allegations against the present petitioner. The trial is under progress and other witnesses are yet to be examined. Considering the gravity of offence, the petitioner is not entitled to be released on bail. Therefore, his regular bail application may be declined.

I have considered the arguments and have gone through the

record carefully. It is a matter of record that Sanjeev Kaushal @ Sanjeev Kumar is facing trial in this case, in which the statement of the victim has been recorded. I have gone through the statement of the victim where she has confirmed the allegations levelled by her against the present petitioner. She has claimed that she was threatened, blackmailed and was continuously physically abused. Considering the gravity of offence, in my opinion the petitioner is not entitled to be released on bail. However, he is in custody since 25.03.2021 for a period of about 02 years. Therefore, the learned trial Court is directed to expedite the trial.

The above observations are made only for the disposal of bail application, it shall not effect the merits of the case.

The bail application is accordingly, declined.

(AMARJOT BHATTI)  
JUDGE

26.04.2023.  
Sunil Devi

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