

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 38311/2023

Date of decision: 10.08.2023.

Sube Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG Haryana

Nidhi Gupta, J.

Prayer in this first petition under section 439 of the Code of Criminal Procedure, 1973 is for grant of Regular Bail in the case bearing FIR No. 39, Dated 01-02-2023, under section 10 of The Protection of Children from Sexual Offences Act, 2012 and 506 IPC, Police Station: Sadar Pehowa, District Kurukshetra.

FIR (Annexure P-1) in this case was recorded on the statement of prosecutrix who was 17-1/2 years old at the time of alleged incident. The FIR reads as under:-

"To, Respected S.H.O, Sadar Pehowa. Subject:-Taking action against Sube Singh, chemistry, teacher, government, senior secondary, school, village, Sarsa district Kurukshetra Respected Sir, it is respectfully prayed that I, Ramandeep, aged 17 years daughter of Shri Balwant Singh, resident of village Sarsa district Kurukshetra submit that I am a student of 10+2 non-medical at senior secondary school, Village

Sarsa. Sube Singh is our chemistry teacher. On 25.01.2023 at about 2 PM when I and my classmate Tanu were out of the class for drinking water, then he asked if you would come to the school tomorrow on 26th January. Then we said that we will come to school. Thereafter, Sube Singh Sir sent Tanu to the class and started talking to me and told me to come in the lab in 2-3 minutes and then I went to the lab. In the lab, initially Sir asked me about the studies as to how is your chemistry studies going on so weak. I said that I try to remember it but sometimes I do not understand and then I ask my classmate. Then he asked me if I have any friends upon which I said that I do not have friendship with anybody. Then Sir created pressure upon me that you promise me and do friendship with me. He said my heart has been attached for the first time. He created pressure upon me and forcibly held my hands and pressed them. I tried to let go of my hands and got them off. He said to me that I am very positive about you and if you befriend me then I will support your studies and give you good marks in your assessment and then he held my hands and pressed them. I tried to get him to leave my hands, but he kept on holding them, and I forcibly got him to leave my hands. When I started to come back to my class, then he said not to share this with any of my classmate on or at my home else I will spoil your life. Then I came back to my class and started crying upon which my classmate, Jasmine, Tanu. Saina and other classmates asked me about what happened upon which I told them everything upon which my classmates said that we will go along with you to the Principal and raise a complaint. But the Principal Sir had not come to the school that day, therefore, we told the whole thing to English teacher Ishwar Sir upon which he said this is a serious issue, and you may control your mouth and don't tell about it at your home. We will take action. When I came to school on 28.01.2023, Sube Singh Sir again asked me not to tell anybody else your life will be spoiled. On 30-01-2023, when I went to take the

physics exam then after the exam chemistry subject's another teacher, Ganita Mam asked me as to what had happened with me on 25th January. At that time Tanu was also present with me, then I told the whole story to Ganita Mam, then she took us in the lab and said that wrong has happened with you but do not tell at your home. I came back to home from the school and started crying. Then my mother and father asked me the reason for crying upon which I told my mother and father about the occurrence of 25th January, that occurred with me in the school upon which my father, along with some people from the village such as Dharam Singh, Dharampal, Ram Chander, Suraj Bhan and others, went to the principal of the school and asked to take legal action against Sube Singh. At that time, many school teachers gathered there upon which Principal assured to take action against the teacher Sube Singh, and said that strict action will be taken against Sube Singh by the school. But even till today no action has been taken against Sube Singh Sir, and whenever I go to the school, Sube Singh keeps a bad eye on me and put his hand on the zip of the pant and my pre-board exams are going on and my studies are getting affected. It is therefore, requested to you that strict legal action be taken against Sube Singh chemistry teacher and I may be protected. Applicant SD/- Ramandeep date 01.02.2023."

Ld. counsel for the petitioner submits that petitioner has been falsely implicated in the present case, and a blot has been put on his career and impeccable reputation earned over decades as a Teacher. It is submitted that the only allegation against the petitioner in the FIR is that he held the hand of the prosecutrix, however, the same is an utterly false allegation. It is contended that as per the FIR the time of occurrence is 2 pm, however, perusal of the Annexure P-5 which is Class Schedule/Timetable reveals that petitioner was taking classes at the time of alleged occurrence.

Ld. State counsel has produced custody certificate dated 9.8.2023 which is taken on record, as per which petitioner has been in custody as undertrial for a period of 3 months and 26 days.

Ld. State counsel submits that the victim has supported the prosecution case in her statement under Section 164 Cr.PC (Annexure P-2), as well as in her deposition (Annexure P-4) while appearing as PW2.

After hearing ld. counsel for the parties, and without commenting on the merits of the case, however, keeping in view the totality of the facts and circumstances of the case, including the fact that the prosecution evidence is yet to be concluded and as such conclusion of trial will take some time; petitioner is not involved in any other case; and material witnesses have been examined and therefore, no useful purpose would be served by keeping the petitioner in custody, the present petition is **allowed**. The petitioner Sube Singh son of Yash Raj is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

10.08.2023.
Joshi

(Nidhi Gupta)
Judge