

2023:PHHC:161440

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-56765-2023 (O&M)  
Date of Decision: December 15, 2023

Sonu @ Sonu Khan

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Randeep S. Dhull, Advocate  
for the petitioner.

Ms.Ambika Luthra, Addl. Advocate General, Haryana  
for the respondent-State.

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**ARCHANA PURI, J.**

This is sixth petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.55 dated 30.01.2020 under Section 365 IPC, Section 6 of POCSO Act and Sections 328, 343, 366A, 370, 370A, 375, 376, 120-B IPC and Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, Police Station Sadar Thanesar, District Kurukshetra.

Notice of motion was issued.

Learned State counsel has made appearance and also filed the status report.

Learned counsel for the petitioner as well as learned State

counsel heard.

As per version of the prosecution, the FIR in hand, was got registered, initially under Section 365 IPC, at the behest of Roshan Lal, father of the victim, on the allegations that his daughter, who is aged 13 years, had gone missing from the house on 27.01.2020.

Further, the version of the prosecution is that the victim was recovered on 19.05.2020 and thereafter, statement of victim and her father was recorded on 19.05.2020. The police had recorded multiple statements of the victim under Section 161 Cr.P.C.

Along with the status report, supplementary statement of the victim, got recorded under Section 161 Cr.P.C. on 22.05.2022, has been annexed. In the same, apart from stating about the manner, in which, she had gone away from the house and had reached Dhaba on G.T. Road, where, she had met two boys, who, on asking of the victim, had given her meals, she also stated about, owner of the Dhabha, having facilitated the meeting of victim with one Kajal. Thereafter, Kajal had taken the victim to various places. Then, ultimately, she took the victim to a Hotel situated near Mohan Nagar, Kurukshetra, where, in collusion with boys sitting in that Hotel, called some persons there and they started doing wrong acts with the victim. After about 15 days, when she got appropriate opportunity, the victim fled away from there and reached Bus Stand, Kurukshetra. There, she met one boy and on his asking, the victim had disclosed about the manner of she being kept in illegal custody and also about the getting illegal work done by her. The said boy disclosed his name as 'Sonu' (petitioner) and also offered to

CRM-M-56765-2023

leave her at her home. He projected himself to be unmarried and said that he will marry her and started doing wrong acts with her. Then, he had taken her to his house at B.R. School and then he took her to rented house at Ganesh Colony, Kurukshetra, where, Sonu's wife came and thereafter, victim had left away.

Further, in the supplementary statement, the victim had stated that on the assurance of leaving the victim, at her house, the petitioner had taken her to rental house at B.R School, Salarpur road and detained her there for 10-11 days and committed wrong with her continuously, against her wish. On 18.05.2020, Sonu Khan had taken her to another rented room in Ganesh Colony, Kheri Brahmna, where, whole night, Sonu Khan had been doing wrong acts with her against her wish. Per chance, she had fled away, when Sonu Khan was sleeping.

During the course of investigation, Sonu @ Sonu Khan was arrested on 20.05.2020 and thereupon, in pursuance of his disclosure statement, blanket was got recovered, which was lying on the bed, where he had allegedly made physical relations with the victim.

Now, it is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He is in custody since 20.05.2020. Also, it is submitted that the trial of the case is not making much progress. Also, the fellow accused have already been granted benefit of regular bail. As such, a prayer has been made for grant of bail to the present petitioner.

On the contrary, learned State counsel has refuted the claim for

bail. She submits that specific role has been assigned to the petitioner, at the behest of the victim, which further stands connected from the contents of the FSL report, copy whereof, has been produced along with the status report as Annexure R-3. It is submitted that in the given circumstances, the plea of false implication stands refuted. Also further, she submits that out of 51 cited witnesses, 26 witnesses have already been examined, prior to the filing of the status report and three witnesses have been examined on 11.12.2023. Now, the case is fixed for 22.12.2023 and out of 14 witnesses, 5 witnesses have been ordered to be summoned for the date fixed. In the given circumstances, it is submitted that trial cannot be said to be proceeding at snail's pace, as projected by learned counsel for the petitioner. Further, it is submitted that solely, on account of long detention, in view of the role assigned, bail be not granted.

Even though, the petitioner is in custody since 20.05.2020, but however, fact of long detention has to be taken into consideration, in view of the role assigned to the petitioner. It is claimed that fellow accused have been released on regular bail, but however, the role assigned to the present petitioner is distinguishable. The victim, was forced into alleged flesh trade, at the behest of Kajal, but however, there are clear and specific accusations against the present petitioner, relating to her forcible detention for 10-11 days and also having subjected her to sexual assault. In this regard, suffice to consider the recitals of the FSL report, which is Annexure R-3, with the status report.

Considering the aforesaid discussion, it is also pertinent to

mention that as disclosed by learned State counsel, the efforts are made to conduct the proceedings, expeditiously. The case was earlier stated to be fixed for 11.12.2023 and 3 witnesses were examined on that day and now the next date fixed before the trial Court is 22.12.2023, for which date, 5 witnesses have been summoned. Learned State counsel has assured to produce the said witnesses for examination, on the date fixed.

Considering the same, there is no delay, on the part of the prosecution or the Court concerned, in conducting of the proceedings.

In view of the aforesaid circumstances, no ground is made out for grant of bail. Hence, the present petition is hereby dismissed.

But anyhow, a request is made to learned trial Court concerned to make an endeavour for expeditious disposal of the case.

December 15, 2023  
Vgulati

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No