



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-40596 of 2024
DATE OF DECISION :- 28.08.2024**

Sanjay Munjal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Surinder Singh Chahal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.248 dated 28.08.2023, registered for the offences punishable under Sections 376,323,342,506 of IPC and Section 4 of POCSO Act at Police Station Zirakpur, District S.A.S. Nagar, Mohali.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"On the basis of the statement of Gauri Age about 17 years D/o Ravi, Resident of H no.201 street no.03 Rangreta Nagar, Faridkot. Now resident of H no.02, Block no. C/10 VIP Road, Zirakpur. Mob no. 6239850715. Stated that I'm resident of above said address and I used to reside with my parental aunt(Bhua) and Uncle(fuffar) at Zirakpur and my parents use to reside at Faridkot. I'm living with her parental Aunt since childhood and they have adopted me orally. I had Study up to class 5th class at Faridkot. I'm residing Zirakpur these days. I'm not doing any work. Around one month ago, I was going to VIP road for taking some household things, then one person on a car



stopped me and started talking to me. He asked me about my name and I told him my name. He gave me his mobile number in writing But I refused to take the same but he forcibly give me the same. Around 2-3 days later, I called on the number of that person and we started talking to each other and during our conversation, he disclosed to me his name as Sanjay Munjal Resident of flat number 9 divine Apartment Baltana Zirakpur. Thereafter we used to talk to each other and 10 days before he took me in his car from my home to his flat number 9 divine Apartment Baltana. We spent two hours there and after having conversation there, and returned. On 27.08.2023, at around 4 pm, I received a call from Sanjay Munjal who told me to accompany him to some birthday party and I agreed to the same. At around 6:00 p.m, Sanjay Munjal came outside my house at Rail Vihar, Zirakpur and took me in his car to flat number 9 divine Apartments Baltana, there, one other person was also present and After sometime Sanjay Munjal forced me to go to his bedroom. I refused for the same. There was no birthday party and I asked him to talk outside for the same, however, Sanjay Munjal then got angry and slapped me. He took me forcibly to bedroom and he committed sexual intercourse with me there without my consent. Then I made an excuse to go to the washroom and then I called my Bhua Nandani and told her each and everything. I also disclosed her address and after sometime, my Bhua Nandini and Fufffar Ravi and his friend Kulwinder Singh came at the sport at divine apartment and Sanjay Munjal, upon seeing them outside, locked me inside the room. He threatened me not to disclose anything to anyone, else he will shoot me. Upon raising hue cry by my relative, Sanjay Munjal open the door and he got me out from the room and then he ran away from the spot. The other person who was present in the flat did not do any illegal act with me. After that I felt ill and my Bhua and Fuffar took me to government hospital where now my medical treatment was



going on. You got reached and recorded my statement in the presence of my Bhua. Thereafter, police came there and recorded her statement in the presence of her Bhua. Stated by Gauri (6239850715, signed Nandani. Nirmal Kaur ASI PP Baltana Dt 28-08-2023 Action police- Today ASI was present chonki that when one ruka was received from hospital regarding victim daughter of Ravi being admitted in Civil Hospital Dhakoli in sexual assault case. I along with police party went to the hospital moved application for seeking fitness, she was declared fit and her statement was recorded in the presence of her bhua Nandini. She signed the same along with Bhua. As per contents of the statement, offence u/s 376,323,342,506 IPC was made out along with section 4 POCSO Act against Sanjay Munjal. Ruqa was sent through C Lakhwinder Singh for registration of the FIR. “

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.12.2023. Learned counsel has further submitted that the material private prosecution witnesses namely the victim and the mother of the victim have turned hostile and hence the trial is not likely to culminate into conviction. Learned counsel for the petitioner has further submitted that there is no medical evidence, available at this stage, to substantiate the case of the persecution. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 27.08.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.



6. The petitioner was arrested on 22.12.2023 whereinafter investigation was carried out and challan stands presented on 16.03.2024. Total 19 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; regarding the weightage required to be attached to the testimony of the hostile witnesses; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 27.08.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 08 months & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.



- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

28.08.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No