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

**CRM-M-17354-2025 (O&M)
Date of decision: 01.04.2025**

Shubham Kumar

... Petitioner

Vs.

State of Union Territory, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Tapan Masta, APP, U.T. Chandigarh.

Mr. Aman Arora, Advocate
for the complainant (*through video conferencing*).

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.34 dated 12.03.2025 under Sections 6, 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 377, 384, 506 of the Indian Penal Code, 1860, registered at Police Station East Sector 26, District Chandigarh.
2. In nutshell, the facts of the case are that in the year 2016, the complainant-victim was about 10 years of age and was studying in Class 5th. In



the month of July, 2016, when he went to canteen without informing to his parents, his neighbour Akashdeep @ Gori came to know about the same through their common friend Guddu and after that, said Akashdeep @ Gori started blackmailing and extorting him. The victim started stealing money from his parents, which kept on increasing. However, one day, Akashdeep @ Gori took him to rooftop and after putting out his private part, asked him to do things with his hands. Out of fear, he did what the accused said. Even Akashdeep @ Gori put his private part in his mouth. One day, Akashdeep @ Gori took him to the house of their common friend Pranshu, where he did wrong act with him. However, said Pranshu did not knew about all this. In the month of February, 2017, when he was playing hide and seek with his friends and went to rooftop of their neighbourhood, Akashdeep @ Gori snicked there and despite his refusal, after untying his payjama, the accused put his private part inside him. Thereafter, he had done wrongful act with him multiple times for a period of 2-3 months. It is further alleged that his friend Guddu, who was also a victim of Akashdeep @ Gori, complained about the incident to his mother. Thereafter, Akashdeep @ Gori, by showing him a makeshift knife, threatened him not to disclose anything to his mother, otherwise he would be killed. Due to fear, he did not confess. In the year 2017, Akashdeep @ Gori took him to house of Happy, where Happy did wrongful act with him and Akashdeep @ Gori prepared a video. Thereafter, they blackmailed him by showing that video and did wrong act with him multiple times at different places. Later, Suraj, who was very violent and often used to slap, kick and



punch him, used to do wrong act with him and even all the accused gang raped him during the period 2018-2019. This continued for about two and half years and till August, 2018, the accused persons took approximately Rs.30,000/- to Rs.40,000/- from him and raped him about 100-200 times. When he could not handle it, he told about the same to his friend Dixit, who further told to his elder brother and he warned the accused to stop doing such acts, otherwise he would inform his parents. The accused persons stopped for sometime, however, they used to trouble, intimidate, eve tease, crack jokes upon him, which caused mental trauma to him. He got counselled himself from Therapist Gaurika Bathla for around 4-5 months and thereafter, got registered the FIR (*supra*).

3. Learned counsel for the petitioner, *inter alia*, contends that the alleged incident took place in the year 2016 and FIR (*supra*) has been registered after a delay of more than 08 years, which creates a serious dent on the case set up by the prosecution. Further, there is no medical evidence or any other independent corroboration to the allegations levelled by the complainant. The petitioner is never known by the name of Suraj, as such, his false implication is writ large.

4. *Per contra*, learned APP, U.T. Chandigarh, assisted by learned counsel for the complainant, opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner.

5. Having heard learned counsel for the parties and after perusing the



record of the case with their able assistance, it transpires that the victim has suffered the agony of physical abuse and blackmailing at the hands of the petitioner and his other accomplices for the last several years and he has been physically abused multiple times. The petitioner is alleged to have not only subjected the victim to penetrative sexual assault, but he also gave kicks and slaps to him during committing atrocities on him. The victim was got counselled and thereafter, he gathered courage and informed his parents regarding his victimization at the hands of accused. The ordeal faced by the victim has a life long affect on the psyche of the child, who has endured the physical abuse for so many years and it hampers his well being and stigma attached to it would affect the over all development of the victim.

6. Keeping in view the facts and circumstances of the case and considering the severity and gravity of the allegations, without commenting anything further on merits of the case, lest it may prejudice the rights of either of the parties, this Court finds no ground to grant the concession of anticipatory bail to the petitioner.

7. Accordingly, the present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

01.04.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No