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

CRM-M-27548-2024

Date of Decision:- 07.05.2025

DEEPAK SONI @ BIHARI SAH

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Tajender K. Joshi, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant 2nd petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.109 dated 26.02.2022 under Section 363 of IPC and Section 6 of POCSO Act, 2012 registered at Police Station Sadar, Gurugram, District Gurugram.

2. As per facts of the case, complainant 'BS' gave his statement that his daughter i.e. victim 'R' on 26.02.2020 at 2 pm left the house along with her friend 'V' without telling anybody and did not return home. Both girls were in the age group of 15 years. Report was lodged with the prayer to locate their whereabouts.

During investigation, as per status report, efforts were made to



recover the girls. On 09.03.2022 both the victims were recovered and they were provided counselling from Legal Adviser and their statement were recorded under Sections 161 Cr.P.C. which are Annexure R-1 and R-2. Both the victims were medically examined and their statements were also recorded before Area Magistrate under Section 164 Cr.P.C. on 11.03.2022 which are Annexures R-3 and R-4. After completion of investigation, challan was presented before the Competent Court on 25.04.2022.

3. Learned counsel for petitioner argued that this is the second regular bail application filed by petitioner. First bail application was declined by this Court bearing CRM-M-48110-2023 vide order dated 18.04.2024 (Annexure P-3). At present, after framing of chargesheet, statements of victim 'V' has been recorded as PW-3. Petitioner is behind the bars since 09.03.2022. Trial in this case may take long time. Petitioner will abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. It is pointed out that there are specific serious allegations against petitioner. Both the victims were minor. As per school record of victim 'V' her date of birth is 08.03.2006 whereas victim 'R' was born on 01.01.2006. After presentation of challan, charges were framed on 14.09.2022. Out of 13 prosecution witnesses, 6 witnesses have been examined. It is pointed out that there are specific serious allegations against petitioner. Victim V' has supported the prosecution case. Considering the gravity of offence, petitioner is not entitled to be released on bail.



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5. I have considered the aforesaid factual position. It is matter of record that petitioner is behind the bars for a period of more than 3 years. As per record, till date statement of victim 'V' has been recorded as PW-3 (Annexure P-4) and the statement of another victim 'R' is yet to be recorded. There are specific serious allegations levelled by both victims who were minors at the time of alleged occurrence. First regular bail application filed by petitioner was declined by this Court vide order dated 18.04.2024 (Annexure P-3). Even now, one of the victim is yet to be examined. Considering the facts and the gravity of offence, regular bail application filed by petitioner is declined, at this stage.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

07.05.2025
snd

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No