

2025:PHHC:076458



103

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

**CRM-M-31973-2025
DECIDED ON: 20.06.2025**

SUMAN LATA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.K. Nehra, Sr. Advocate with
Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

Mr. B.S. Rana, Sr. Advocate with
Mr. Arvind Bishnoi, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 109 dated 13.03.2025 under Section 10, 6 of POCSO Act registered at Police Station Dharuhera District Rewari [Annexure P-1]

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“One Application No. 353-PSP dated 03.03.2025 from Amit Khurana S/o Sh. Jagdish Khurana, resident of Dwarkadhish Dharuhera received Superintendent of Police Office DPO Rewari through post,

the contents of which is as under: To The Superintendent of Police Rewari Subject: Taking appropriate legal action against Suman Mehla, Teacher at Raman Munjal Vidya Mandir Senior Secondary School, 67 Km Stone, Delhi-Jaipur Highway, VPO, Sidhrawali, District Gurugram. Respected Sir, The son of the applicant is the bonafide student of Raman Munjal Vidya Mandir and the accused Suman Mehla was his Class Teacher for Class XII. The son of the applicant namely Shonak Khurana, who is minor by age, his date of birth being 01.03.2007, has been sexually exploited by Suman Mehla. She has been calling him to her home, situated at Dwarkadhish Arawali Heights Society at Sector-23, Dharuhera, on the pretext of getting his academic work done. There she has been establishing physical relationship with the minor child, despite every knowledge that he was a minor. Further, she had taken the child to Sai Hotel at Sector-6, Dharuhera in the month of June 2024 and had established Physical relationship with him there as well and had also taken him to Fortune Hotel on the National Highway No. 8 in the month August/September 2024, there. established physical relationship of She had again with him. Thereafter, she had again established physical relationship with the child at Vipul Gardens, Dharuhera, where she had started to live after a tiff with her husband. The minor child had been enticed and sexually exploited by the accused and I pray for taking stern legal action. I am having video clips, which show the minor child and the accused in a compromising position, which I can produce. Sd/- Amit Dt. 03.03.25 APPLICANT Amit Khurana son of Shri Jagdish Khurana, Resident of C-4/104, Dwarkdhish Arawali Heights Dharuhera 7733046016. In this regard, a opinion has been obtained from the expert on the crime, which opinion is as under: A perusal of the papers supplied by SI Suresh Kumar P.S. Dharuhera as well discussion and also gone through the contents of Pen Drive it reveals that Shonak Khurana was minor at that time when Smt. Suman Mehla exploited him sexually. Further it is submitted that POCSO Act is gender neutral Act a perusal of contents contained in pen drive it reveals that Smt. Suman Mehla has committed aggravated sexual assault upon the child as prescribed is section 10 of POCSO Act. Furthermore, a perusal of the application and its contents thereof it reveals that section 6 of POCSO Act are attracted provided that I.O. may collect the relevant record for attracting this section. However I.O. is also at liberty to add or delete any section after collecting the relevant record/documents. The aim of the POCSO Act is to the paramount importance of the welfare of child. If agree we may refer the matter to the W/S.P. Rewari for appropriate necessary action. Make "A" is submitted for approval please Sd/ DDA Naresh Kumar Dt. 10.03.25 W/DA Mark "A" is approved S/S.P. S.P. Rewari forwarded the opinion. SHO Dharuhera

to register FIR investigation Sd/- S.P. Rewari, SI Suresh For Registered Sd/- SHO P.S. Dharuhera xx”

3. **Contention**

On behalf of the petitioner

Counsel for the petitioner contends that the petitioner has been falsely implicated in the instant FIR which is a counter blast to an earlier complaint lodged by the petitioner against the juvenile, Shaunak, son of Amit Khurana(the complainant) for stalking and harassing her. He further contends that there is an inordinate and unexplained delay of nine months in lodging the complaint which raises serious doubts about the veracity and motive behind the allegations.

On behalf of the State and complainant

Learned state counsel assisted by counsel for the complainant at the very outset opposes the grant of the anticipatory bail by submitting that the offences involved are direct and specific against the petitioner. While relying upon the status report dated 14.06.2025, state counsel submits that the petitioner had paid the room tariff and other expenses in cash at various hotels. To unearth the truth, the custodial interrogation of the petitioner is required therefore prays for dismissal of the instant petition.

Heard counsel for the respective parties at length.

4. **Analysis**

From the perusal of the record in hand, it transpires that the petitioner has paid the room tariff and other charges in cash at various hotels added with the fact that the allegations against the petitioner are serious and specific in nature under section 6 and 10 of POCSO Act, 2012. Having a glance at the sections involved would be apposite here which are reproduced herein below:-

6. Punishment for aggravated penetrative sexual assault.—Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

10. Punishment for aggravated sexual assault.—Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Coming back to the instant case, the petitioner and son of the complainant shares a pious teacher-student relationship and being approximately twice the age of the victim, the petitioner is alleged to have exploited the sacred teacher-student relationship to fulfill her illicit desires, thereby committing a grave offense. Further, from the hotel records obtained, it has transpired that both the petitioner and victim-minor were found to have stayed in the hotels wherein the payments were made by the petitioner. It has also come on record that during the course of investigation, multiple videos of the petitioner in a compromising position with the minor victim constitute a compelling evidence of the sexual exploitation which demonstrates the calculated nature of her criminal conduct.

This court is sanguine of the fact that “bail is indeed the rule and jail is the exception,” but this general principle must be balanced against the special circumstances of each case, particularly when dealing with offences against children. While every accused person has a fundamental right to liberty, this right is not absolute and must be balanced against the larger interests of justice, public order, and the protection of victims, especially when the victims are minors.

The POCSO Act represents the legislative intent to provide stringent protection to children from sexual offences. Courts, as guardians of justice, have a solemn duty to ensure that this legislative objective is not defeated by a liberal approach to bail in such serious cases, wherein the trauma suffered by child victims in sexual assault cases is immense and long-lasting.

This Court is mindful of the fact that the present case involves allegations under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), which is a special legislation enacted to provide protection to children from sexual offenses. The nature of the alleged offense in the instant case is such that it would not only cause physical harm to the victim but would also inflict severe psychological trauma that may have long-lasting effects on the minor victim for rest of his life. Courts have consistently held that while considering bail in cases involving sexual offences against minors, the traumatic effect on the victim and the possibility of the accused influencing or intimidating the victim or witnesses must be given due consideration.

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNS, 2023 is somewhat extraordinary in character and it is to be exercised in exceptional cases that too with utmost caution and sparingly. The Supreme Court in "[State vs. Anil Sharma](#)"; (1997) 7 SCC 187, held as under:-

"We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught

with the danger of the person being subjected to third-degree methods needs not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

5. Conclusion

In the light of above discussed facts which involves allegations of serious nature wherein section 6 and section 10 of the POCSO Act,2012 are involved which stipulates for rigorous imprisonment for a term which may extend to imprisonment for life and in addition the act committed by the petitioner is against the morality and society at large, this court by no stretch of imagination is inclined to take a lenient view therefore dismiss the instant petition.

However it is made clear that anything observed herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

Ordered accordingly.

20.06.2025
Meenu (v)

(SANDEEP MOUDGIL)
JUDGE

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