
(2021) 02 P&H CK 0064

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 41804 Of 2020

Sanjeet @ Sanjeet Bhamla

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 05-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 376(D)

Protection Of Children From Sexual Offences (POCSO) Act, 2012 — Section 4, 6

Citation : (2021) 02 P&H CK 0064

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Advocate : Dharamvir Sharma, Gaganpreet Kaur, Sunil Kumar Jha

Final Decision : Allowed

Judgement

Hari Pal Verma, J

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR

No.80 dated 23.05.2019 under Sections 376(D) IPC and 4/6 of POCSO Act, 2012 registered at Police Station Sadar Sohana District Gurugram.

The aforesaid FIR was registered on the allegations that in the year, 2016, the petitioner enticed the victim and had established physical relations with

her. At that time, the prosecutrix was 16-17 years of age. The accused threatened the prosecutrix to viral her objectionable photographs, if she

disclosed this fact to anyone. In July, 2016, the petitioner threatened and forced the victim to establish relations with another co-accused whose name

was also Sanjeet. Both the accused (petitioner and Sanjeet) established physical relations with the prosecutrix till December, 2016. In December, 2017

another boy Sandeep Bainsla also joined the accused and committed wrong with the prosecutrix. In January, 2018, 4th accused namely Surender

Kumar @ Chali also joined the petitioner and he also threatened and blackmailed the victim, claiming himself to be boss of all the other 3 accused.

During this period, the mother of the victim became somewhat suspicious about the prosecutrix and fixed her marriage. Accordingly, prosecutrix was

sent to the house of her uncle (Tau) in June, 2018. In July, the victim came to know that she is pregnant and when this fact was disclosed to the co-

accused Surender Kumar alias Chali, he gave her abortion pills, which resulted miscarriage of her foetus. For having guilt in her mind, she left the

house of her Tau in December, 2018 and went to Amritsar and started staying in a Gurudwara where some sevadars helped her, counseled her and

persuaded her to marry and to start a new life. Ultimately, she got married, but as the prosecutrix could not forget the traumatic experience she had at

the hands of the accused persons, who made her life hell, she decided to report the matter to the police. Hence, the FIR.

Learned counsel for the petitioner has argued that prosecutrix became pregnant from co-accused namely Surender alias Chali, who has already been

admitted on bail by this Court vide order dated 28.10.2020, passed in CRM-M-29883-2020 titled as Surender Kumar @ Challi Vs. State of Haryana.

He further submits that another co-accused namely

Sandeep Bainsla has also been admitted on bail by learned Additional Sessions judge, Fast Track Special Court (for offences under the POCSOI Act,

2012), Gurugram vide order dated 05.11.2020, attached as Annexure P-5 with this petition. Challan in the case was presented on 23.05.2019 and

charges were framed on 01.10.2019. The involvement of the petitioner-accused in the incident would be established only during trial after examining

prosecution witnesses, which will take sufficient long time. The petitioner is in custody since 21.09.2019.

Learned State counsel as well as learned counsel appearing for the complainant have opposed the present bail application on the ground that it is the

act and conduct of the petitioner which led to victimization of the prosecutrix. The petitioner had put pressure upon the prosecutrix to establish physical

relations with another accused and she was subjected to sexual assault repeatedly by all the accused including the petitioner. Learned counsel for the

complainant further submits that the prosecutrix has remained consistent with her statement recorded under Section 164 Cr.P.C. and therefore, petitioner is disentitled for regular bail.

I have heard learned counsel for the parties.

Admittedly, co-accused Surender Kumar @ Challi was admitted on regular bail by this Court vide order dated 28.10.2020, whereas another co-

accused namely Sandeep Bainsla was admitted on regular bail by learned Additional Sessions judge, Fast Track Special Court (for offences under the

POCSOI Act, 2012), Gurugram vide order dated 05.11.2020. The prosecutrix along with Deepak had also approached this Court by way of CRM-M-

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State of Punjab and others, so as to seek protection from this Court for having solemnization of her marriage with Deepak against the wishes of her

parents, but at that time, she never disclosed about the occurrence, which is the subject matter of the present FIR.

Be that as it may, considering the fact that the petitioner is custody since 21.09.2019 and the other co-accused of the petitioner have already been

admitted on regular bail, coupled with the fact that trial is not likely to be concluded in near future, this Court deems it appropriate to admit the

petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the

satisfaction of trial Court.

However, it is made clear that observations made hereinabove shall not construe expression of any opinion on the merits of the case. Needless to say

that the petitioner shall not try to contact the prosecutrix directly or indirectly or influence the witnesses in any manner.