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

CRM-M-60232-2024

Date of Decision:- 15.09.2025

Kunal Sidhu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Hitesh Kumar Sammi, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Sanjeev Kumar Bawa, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Kunal Sidhu has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 223 dated 16.09.2024 registered at Police Station Rama Mandi, Jalandhar under Section 323, 376, 34, 506 IPC and Section 6 and 17, 18 of POCSO Act (Amended), 2012, 2019 & Section 67 of Information Technology (Amendment) Act, 2008.

2. Facts of the case are prosecutrix 'HB' age about 20 years gave her statement that in the month of February 2021, Kunal was studying with her in school. They developed friendship. At that time, she was 17 years of age and Kunal was elder than her by three years. On 02.02.2021, he allured



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her to visit his house on the pretext of meeting his mother. When she reached his house, nobody was present there. He started doing obscene acts. She tried to stop him, but he put pressure on her for having physical relations. He did not listen to her and exploited her physically number of times. He was also having her obscene video and he threatened to show the same to her family. He had shown her obscene video to her sister. He started blackmailing her and also took money from her. She disclosed everything to her family who approached parents of Kunal. In the month of July-August 2024, Kunal visited her college 4-5 times and created scene. In September 2024, he came to her house and quarreled with her and her family. He was insisting to perform marriage with him. Her parents tried to make him understand. Kunal threatened to kidnap her and to viral her obscene video. Finally, matter was reported to the police and present FIR has been registered.

3. Learned counsel for petitioner argued that there is long delay of three years in lodging the report to police. There is no medical or documentary evidence to confirm the allegations. It was a case of consensual relationship which later on became sour. They used to upload their stories on Instagram and Snapchat. They attended common family functions together. Photographs regarding the same are Annexures P-5 to P-8. They further used to go on trips with whole family. Prosecutrix never levelled allegations of rape or any threat to her. Petitioner was arrested in this case on 16.09.2024 and since then he is behind the bars. Co-accused have been granted anticipatory bail in CRM-M-53629-2024 vide order dated 25.11.2024 (Annexure P-3). His regular bail application has been



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wrongly declined by learned Additional Sessions Judge-cum-Fast Track Court (POCSO), Jalandhar vide order dated 16.11.2024 (Annexure P-4). Petitioner is ready to abide by terms and conditions of bail order. Even otherwise, he is having health issues and needs medical treatment. Therefore, it is prayed that his regular bail petition may kindly be allowed.

4. Bail petition is opposed by learned counsel representing State as well as learned counsel representing complainant. Detailed status report has been filed. It is pointed out that on completion of investigation, challan is already presented on 26.11.2024. Charges were framed on 17.04.2025. Out of 16 prosecution witnesses, 06 prosecution witnesses have already been examined. Status report regarding medical condition of petitioner is also placed on record. Considering the gravity of offence, regular bail petition is opposed by learned counsel representing State of Punjab assisted by learned counsel representing complainant.

5. I have considered the arguments and have gone through the record carefully. Prosecutrix has levelled allegations of sexual harassment from February 2021 onwards. Admittedly, prosecutrix and present petitioner/accused were studying in same school and they were known to each other. Matter is reported to police with a gap of about three years and finally FIR was lodged on 16.09.2024. During the pendency of trial, 06 prosecution witnesses have been examined including the victim herself as PW-2. Facts of the case will be decided by the trial Court by appreciating evidence led in this case. Petitioner is also a young boy of 21 years of age who is behind the bars for the last about one year. Trial in this case may take long time. Therefore, without expressing my mind on the merits of

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case, regular bail petition filed by petitioner Kunal Sidhu is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned. In addition to this, petitioner will furnish undertaking that he will not contact the prosecutrix or her family in any manner and in case he does so, prosecutrix/complainant is at liberty to file application seeking cancellation of his bail.

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

15.09.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No