

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26501-2016

Date of Decision:- 11.08.2016

Hemant Kataria

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Dhawaljeet Dutta, Advocate,
for the petitioner.**

Ms. Anmol Grewal, Assistant Advocate General, Punjab.

**Mr. Deepak Sonak, Advocate,
for respondent No.2.**

RITU BAHRI, J. (Oral)

Petitioner is seeking grant of anticipatory bail in a case arising out of FIR No.96 dated 10.07.2016 (Annexure P-1) under Sections 354-A, 506 and 120-B IPC and Sections 66-E & 67 of the Information Technology Act (Sections 354 and 354(d) were added later on), registered at Police Station Jamalpur, District Ludhiana.

Concisely, the prosecution case is that complainant has two daughters. On 21.06.2016, the petitioner called on mobile number of his elder daughter, namely, Medhavi and told her that he has hacked her photographs from her ID and in case she did not make physical relations with him, then he will upload the same on social Media. Consequently, the the complainant has received obscene photographs of her daughter on his mobile number and her daughter was forced to make physical relations. In the background of these allegations, the present case was registered against the accused.

Learned counsel for the petitioner submits that initially FIR was registered under bailable offences but later on the supplementary statement made by Medhavi, the offences under Sections 354 and 354(d) IPC have been illegally added, in order to increase the gravity of offence.

Learned State counsel, on instructions from ASI Kuldeep Singh, the petitioner is the main accused and the necessary photographs which were in his custody are yet to be recovered and the investigation is still in progress. On 15.07.2016, the offences under Sections 354 and 354(d) IPC have been added against the accused. The detailed list of calls sent and received on the mobile numbers are in the police record. The custodial interrogation of petitioner is very much essential in the present case.

After hearing the learned counsel for the parties, going through the record, this Court is of the considered view that very serious and direct allegations are assigned to the petitioner and his custodial interrogation is essential to interrogate him and to collect the evidence. Therefore, taking into consideration the the allegations of offences against the petitioner and

anticipatory bail filed by the petitioner is hereby dismissed.

Needless to mention that nothing observed, here-in-above would reflect on merits of the main case, in any manner, during the course of trial.

August 11, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No