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

**CRM-M No. 36453 of 2016
Date of decision: 20.10.2016**

Sumit Sharma

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kamal Mor, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana
for the respondent.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 40 dated 25.06.2016, under Sections 354-B, 384, 341, 328, 506, 201, 120-B and 34 of the Indian Penal Code, Section 12 of POCSO Act and Section 66-E of I.T. Act, registered at Women Police Station, Sonapat.

It is contended that the petitioner has been falsely implicated by the complainant and in fact his name is not mentioned in the FIR. The complainant, a minor at the time of registration of the case, alleged that one Bhupesh Sapra took her to a Hotel Bloom on 16.01.2016. She accompanied him on account of the fact that she knew him and was on talking terms with the accused. Bhupesh made her drink a cold drink and she regained consciousness after the accused sprinkled water on her face. Accused Bhupesh showed her some obscene photographs which he had taken while she was unconscious

and asked not to disclose about the said incident to anyone or he would make the photographs public. On 22.06.2016, accused Bhupesh told her that he had also made some obscene video with the help of his friends on that very day and that his friends were demanding money from him. Accused Bhupesh further asked the complainant either to make arrangement of money or meet the boys who he mentioned as his friends Prince Singh, Kapil, Atul, Bhola and Vicky. The complainant requested that necessary action be taken against the accused.

Learned counsel for the petitioner contends that nothing has to be recovered from the accused-petitioner and as such his custodial interrogation is not required and that his bail application has wrongly been rejected.

On the other hand, learned counsel on behalf of the State submits that there is specific and serious allegations against the accused-petitioner who along with other co-accused have taken her nude photographs and video and blackmailing her on the pretext of making obscene photographs and video public. It is argued that the custodial interrogation of the petitioner is required in order to make recovery of the said photographs and video.

I have heard learned counsel for the parties and noted that serious allegations have been made against Bhupesh and other co-accused including petitioner-Sumit Sharma who is also known as Bhola. The argument as raised by the counsel for the petitioner that Bhupesh, the main accused, is on bail would not be relevant since he is a juvenile (in conflict with law) and it is on this account he has not been arrested. Charges have already been framed against the other co-accused namely

Kapil Raghav, Atul and Bhupender alias Prince.

Since, admittedly, the recovery of said photographs and video is yet to be effected from the petitioner-accused, no ground is made out to grant anticipatory bail to him.

Accordingly, the present petition is dismissed.

October 20, 2016
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No