

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

CRM-M-20336 of 2018 (O&M)
Date of Decision: 17.12.2018

Sahil Vij

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naveen Bawa, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. G.S.Guri, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.93 dated 28.03.2018, under Sections 382, 354-D, 506 of the Indian Penal Code, registered at Police Station City Khanna, Police District Khanna.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case and no such incident has taken place. It is contended that the photographs attached as Annexure P-2 would reveal that the parties were well known to each other. It is further contended that no recoveries are to be effected from the petitioner and the

petitioner is ready to join investigation and abide by the conditions as imposed by this Court.

Per contra, learned counsel appearing on behalf of the respondent-State and the complainant oppose the grant of bail on account of the fact that the petitioner herein has objectionable photographs and videos of the complainant and he is threatening to upload the same.

By an order dated 14.05.2018, the petitioner herein was directed to appear before the Investigating Officer and cooperate fully in this regard.

Pursuant to the said order, the petitioner had joined investigation, however, learned counsel appearing on behalf of the respondent-State submits that the mobile phone which has been used by the petitioner herein for sending message and lewd messages to both the complainant and her mother is yet to be recovered. On this statement, the petitioner was directed to appear before the Investigating Officer on 10.10.2018 at 11:00 a.m. and another opportunity was given to him to hand over the mobile phone to the Investigating Officer.

Today the matter is taken up and the learned counsel for the respondent-State submits that though the petitioner has put in appearance once again before the Investigating Officer, however, the mobile phone has not been handed over. It is also argued that as recently as September the petitioner continues to send lewd messages and is still threatening about the photographs and videos.

In this background, prima facie, it appears that the petitioner

herein has deliberately been avoiding handing over the mobile phone and, therefore, the conduct of the petitioner herein does not warrant the grant of anticipatory bail.

Without expressing any opinion on the merits of the case, the instant petition stands dismissed.

17.12.2018
Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No