

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

CRM-M-42251-2018 (O&M)

Date of Decision: 28.11.2018

Sunil Kumar

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. G.S. Sidhu, Advocate
for the petitioner(s).

Ms. Jaspreet Kaur, A.A.G., Punjab.

Mr. Zorawar Singh Chauhan, Advocate
for respondent No.2.

ANITA CHAUDHRY, J

This is the second petition filed by the petitioner seeking anticipatory bail in FIR No.173 dated 12.10.2017 registered under Sections 354-D, 341 and 506 IPC, subsequently Section 8 of POCSO Act and Sections 67 & 67-A of I.T. Act at Police Station Sadar Kurali, District SAS Nagar were added.

Learned counsel for the petitioner at the outset states that the first application was withdrawn on 20.09.2018 as there were clerical errors.

Counsel for the petitioner contends that the prosecutrix and the petitioner's family had met and talks of their engagement were going on and both the sides had affection for each other as they had been meeting each other and subsequently the family of the girl was not inclined to go ahead.

The counsel refers to the *whatsapp* messages and urges that even in December, 2017, the girl had sent the photographs of the dresses, jewellery and shoes she was purchasing. Counsel further submits that in the FIR, the allegations are of stalking and extending threats. Counsel refers to Annexure P-2 to show that the girl was not happy with her family specially her maternal Uncle. Counsel states that petitioner is ready to join the investigation.

Learned counsel appearing for respondent No.2 states that Sections 67 and 67(A) of the IT Act have been added along with Section 8 of the POCSO Act. Counsel states that the marriage of the girl had been fixed and the petitioner made a *whatsapp* group of boys of the village of the girl's village and sent intimate pictures of himself and the girl together to defame her and to stall her marriage which was scheduled for 04.02.2018 and this is after the FIR had been lodged. Counsel states that when the police party went to arrest the petitioner, the police party was attacked and the police was beaten up and a case under Section 353 IPC was registered at Police Station Dabwali and they placed on record the copy of the FIR as well as the MLR of Dalbir Singh and *whatsapp* group chat which will show the group administrator which has picture of the petitioner. Counsel states that another petition for protection of life and liberty had been filed by the father of the victim as there were threats to cause harm to the girl and her family.

In response, counsel for the petitioner contends that a complaint had been given to the Senior Police official against the police official who had come to their house. Counsel refers to Annexure P-4 and it is stated that the application was given on 05.09.2018.

Learned State counsel informs that they are not aware if any complaint was given to the SP, Sirsa. Counsel further submits that interim order was passed by the Sessions Court and the petitioner had admitted that he had sent the photographs to the boys of the village of the complainant and he had circulated the photographs and stand was that they were asking for the photographs which were in possession of the boys.

The FIR had been registered in October, 2017, even after registration of the FIR a *whatsapp* group of persons belonging to the village of the prosecutrix were obtained and obscene photographs, which are available with the police, were sent on the *whatsapp* group. Those are obscene and in compromising position.

I am not inclined to grant anticipatory bail to the petitioner.

The petition is dismissed.

November 28, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No