

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

(i) CRM No.M-42832 of 2017 (O&M)

Rohan Sharma

...Petitioner

VERSUS

State of Punjab and another

...Respondents

(ii) CRM No.M-42847 of 2017 (O&M)

Rohan Sharma

...Petitioners

VERSUS

State of Punjab and another

...Respondents

Date of Decision: August 28, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Rimjhim Mahajan, Advocate
for the petitioners.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.Satbir Rathore, Advocate
for respondent No.2 (in CRM No.M-42832 of 2017).

Mr.Piyush Khanna, Advocate
for respondent No.2 (in CRM No.M-42847 of 2017).

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as these

Petitioner has filed these petitions under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to private respondents by learned Addl. Sessions Judge, Hoshiarpur, vide orders dated 20.07.2017 in case FIR No.109 dated 14.07.2017 under Sections 12, 14 and 15 of POCSO Act, registered at Police Station Dasuya, District Hoshiarpur.

Notice of motion was issued. Learned State counsel as well as learned counsel for private respondents appeared and contested the petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that learned Addl. Sessions Judge, Ludhiana, vide orders dated 20.07.2017 granted benefit of anticipatory bail to Armandeep Walia @ Arman, who is 17 years of age and Prince @ Kaka, respondents in these petitions. In the present case, the FIR was registered on the statement of Rohan Sharma (petitioner) on the allegations that he is 10+2 and is working at the karyana shop of his father. He along with his friends went to tubewell on 17.06.2017 for taking bath. At 2.00 p.m., they were taking bath in underwears only. Prince Kumar also came there, who was having mobile phone. He asked Arman Walia to catch hold the complainant, when he was changing his underwear and has put off his wet underwear and tried to put on dried underwear, then Arman Walia snatched his underwear and Prince told Arman Walia that if he returns Rohan's underwear then he will remove his (Arman Walia) underwear and further asked Arman Walia to caught hold Rohan as he is going to make his movie. Arman Walia caught hold the complainant and Prince made a film on the mobile phone. It is also stated by the complainant that by making his film

by Prince, he has been ashamed in his friends.

Learned Addl. Sessions Judge, Hoshiarpur, after watching the CD played before the Court, found that it looks that it was only for the purpose of fun and there is no mensrea. After watching the CD, it is stated that even after getting the underwear back, the complainant threw it away and moving freely here and there in a nude condition and did not try to put on his underwear.

The complainant is a juvenile. Armandeep Walia @ Arman was also juvenile at the time of occurrence and Prince @ Kaka was stated to be 30 years of age at that time.

At the time of arguments, learned State counsel on instructions from the Investigating Officer, has specifically contended that the video was not found to be sent to any other person nor it was put on internet/social media.

Keeping in view the above facts and circumstances of the present case, I find that no illegality has been committed by learned Addl. Sessions Judge, Hoshiarpur, while passing the impugned orders dated 20.07.2017 and no ground is made out for cancellation of anticipatory bail granted to the accused-respondents.

Therefore, finding no merit in both the petitions, the same are dismissed.

August 28, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No