

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27881-2020(O&M)
Date of Decision: 23.9.2020

Sahil @ Sahil Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ritesh Pandey, Advocate
for the petitioner (s).

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Dinesh Mahajan, Advocate,
for the complainant.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

CRM-23495-2020

The complainant has filed this application for placing on record
representation dated 12.9.2020 (Annexure R-1) addressed to Station Head
Officer, Police Station City, Batala and photographs (Annexure R-2).

Learned counsel for the petitioner has no objection if the
application is allowed. Accordingly, the application is allowed and
documents Annexure R-1 and R-2 are directed to be placed on record.

CRM-M-27881-2020

This petition has been filed by the petitioner under Section 438
Cr.P.C. for grant of anticipatory bail in case having FIR No.202 dated
1.8.2020 under Sections 354-A, 341, 509 IPC and under Section 12 of the

Protection of Children from Sexual Offences Act, 2012, Police Station City, Batala.

The petition is contested by the State as well as the complainant.

I have heard the learned counsel for the parties.

Learned counsel for the petitioner has contended that the complainant was having friendship with the petitioner. She started compelling the petitioner to perform marriage with her, to which he refused. On this, the complainant got annoyed and lodged false FIR against the petitioner after unexplained delay of 13 days. No obscene act was committed by the petitioner. It is further contended that no obscene photographs or video recording is available on the record. The petitioner is ready to produce his mobile phone before the police. The petitioner or members of his family never threatened the complainant. The alleged representation (Annexure R-1) is also false. Learned counsel for the petitioner has further prayed that the petitioner be allowed to join the investigation of the case.

On the other hand, Assistant Advocate General for the State assisted by the counsel for the complainant submits that the complainant is minor, who has been exploited by the petitioner. Even after the registration of the case, the members of the family of the petitioner are harassing her and pressurising her to withdraw the case. It is further contended that the investigation in the case is still going on. The mobile phone of the petitioner is required by the police for proper investigation of the case. Learned State counsel has further prayed that the bail application deserves to be dismissed.

I have considered the submissions made by the learned counsel

for the parties.

It is there on the record that prior to the present occurrence, the petitioner was having friendship with the complainant. The complainant, who is aged about 16 years, belongs to poor family. As the reputation of the family and the minor girl was involved, the delay in reporting the matter to the police is not of much relevance.

As per the allegations appearing in the FIR, the petitioner called the complainant to his house and provided her cold drink spiked with some intoxicant, as a result of which, she lost her consciousness and then he prepared her video and also took her photographs. Subsequently, on 17.7.2020 at about 3:30 p.m., the petitioner intercepted her near FC Verma School and tried to take his selfie with her and when she resisted, he slapped her and also threatened that he would make viral her video and photographs. Again on the next day, i.e., 18.7.2020, the petitioner sent a girl namely Rikki to the house of the complainant who made video call to the petitioner and at that time, Rikki also gave slap to her. The petitioner also used derogatory words against the complainant in order to cause harm to her reputation.

The mobile phone, which was used by the petitioner to click the photographs and to make video of the complainant, is required by the police, for fair and proper investigation. As per representation (Annexure R-1), the parents of the petitioner are compelling the complainant to effect compromise, otherwise, they would upload her pictures and videos on the internet to defame her.

In the light of the above, this Court is of the view that the

relief would amount to stifling of the investigation at its threshold.

Consequently, this petition is hereby dismissed being devoid of merits. However, nothing stated hereinabove is to be construed as expression on the merits of the case.

September 23, 2020
Paritosh Kumar

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No