

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

CRM-M-1504 of 2021 (O&M)
Date of Decision: March 02, 2021

Gosha Singh @ Kulwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Abhishek Singla, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.263 dated 22.10.2020, registered under Sections 385, 342, 506, 323, 120-B, 420 of Indian Penal Code and Sections 66(E), 67 of Information Technology Act, 2000 at Police Station Sardulgarh, District Mansa.
2. Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the present case. It is argued that there is no evidence available with the prosecution to connect the petitioner with the alleged occurrence. It is also submitted that there is no MLR of the complainant available on record to support the prosecution version. It is also contended that no recovery is to be effected from the petitioner, as

such, his custodial interrogation would not be required.

3. Notice of motion was issued in the matter, pursuant to which appearance has been caused on behalf of the respondent-State. Reply filed by the respondent-State by way of affidavit of Mr. Amarjit Singh, PPS, DSP Sub-Division Sardulgarh, District Mansa is taken on record.

4. Counsel appearing on behalf of the respondent-State opposes the grant of anticipatory bail to the petitioner, while arguing that a criminal conspiracy was hatched by the petitioner herein along with other co-accused to extort money from the complainant and in order to achieve their goal, they made a video of the complainant after removing his trouser and underwear and on the basis of that video, they have extorted an amount of ₹ 1 lac from the complainant.

5. I have heard counsel for the parties and have gone through the pleadings of the case.

6. In the FIR, there are serious allegations that have been levelled against the petitioner herein and other co-accused. MLR of the complainant is available on record as Annexure R-6 showing the multiple injuries inflicted on the person of the complainant. As per para 4 of the reply filed by the respondent-State, the role attributed to the petitioner herein is that the mobile phone in which the nude video of the complainant, while giving him beating was recorded, is belonging to the petitioner herein and the same is yet to be recovered from the petitioner. Apart from that, recovery of the cash/extorted money is also yet to be effected from the petitioner herein. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant

anticipatory bail to the petitioner.

7. In view of the above, the instant petition is hereby dismissed.

March 02, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No