

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

CRM-M-40039-2021

DECIDED ON: 24th September, 2021

Manishiv Kapur alias Manvish Kapoor

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vipin Mahajan, Advocate for petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in case of FIR No.313 dated 5.10.2018 under Sections 377/511, 382, 506, 34 IPC read with Sections 8, 10 of POCSO Act, 2012, registered at Police Station Division No.7, Ludhiana, Punjab.

A complaint was made by Jasbir Kaur alleging that her son victim (name withheld) aged 17 years had gone to attend a Birthday party at LIG Flat, where Manvish Kapur (petitioner), Rahul, Rinky, Harwinder Singh @ Happy forcibly removed his clothes and tried to commit the act of sodomy. He was forced to dance. They forcibly snatched cash, his mobile and prepared video. He was threatened that he should give money otherwise video would be made viral. Victim told about the incident to his mother on 4.10.2018 and FIR was got registered on 5.10.2018.

Learned counsel for the petitioner submits that there is three months delay in lodging FIR. There is no specific date mentioned of the incident. There is nothing in the MLR of the victim to show that any unnatural act was committed with him. He further submits that the alleged house in

which Birthday Party took place was of co-accused and not of the petitioner.

Learned State counsel on instructions vehemently opposes the prayer for grant of anticipatory bail. She submits that the allegations are serious. A teenager was exploited and video was prepared.

Gravity of allegations and offence alleged to be committed is serious. It is a case where four co-accused stripped the victim, attempted an act of sodomy, forced him to dance and prepared video. The provisions of POCSO Act, 2012 are also involved. The contention that no specific date of the incident is mentioned or there is delay in lodging FIR, is of no help for the petitioner for grant of anticipatory bail. Suffice to say that generally due to pressure of society such incidents are kept in wrap and it take some courage to report the matter to the police.

No case is made out for grant of anticipatory bail. More so, when the recovery of video is yet to be made.

Dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

24th September, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>