

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(111)

CRM-M-2650 of 2022
Date of decision:- 21.01.2022

Naveen ... Petitioner
Vs.
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raman Chawla, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL J.

Heard through video conferencing.

Vide the instant petition filed under Section 438 of the Code of Criminal Procedure, 1973, the petitioner has approached this Court seeking grant of pre-arrest bail in FIR No.382 dated 22.08.2021 registered at Police Station Tosham, District Bhiwani, for commission of offences punishable under Sections 354, 354-D (2), 506, 34 of Indian Penal Code, 1860 and Section 12 of Protection of Children from Sexual Offences Act, 2012.

As per version of the prosecution, above stated FIR has been registered on the statement of a 15 years old school going victim, who has stated that Ranjit, Amit and Parveen pester her on her way to school and harass her by calling from different mobile numbers. They blackmail her to talk to them or else they will tell her brother as they have morphed her photos downloaded from her social media profile and threaten that they will make them viral. Naveen, present petitioner, has also been harassing her on phone. These incidents have been going on for the last two months and she has not told her brother or parents about them. She used to remain worried and on 09.08.2021, she took some medication and was taken to a private hospital by

her brother and when her health deteriorated, she was taken to PGIMS, Rohtak for treatment from where she was discharged on 21.08.2021 and came back to her paternal village. She disclosed the entire background to her family members and lodged the FIR.

Counsel for the petitioner has urged that the petitioner, who is a 21 years old young man, has been falsely framed. He submits that the petitioner has been working with Alpha Packer and Movers and has been living in Bengaluru since June, 2021 and came back on 24.12.2021. He has relied upon the photographs (Annexure P-1) as well as railway ticket (Annexure P-2) to show the return travel of the petitioner from Bengaluru. He submits that immediately on reaching back, he submitted a representation dated 27.12.2021 (Annexure P-4) regarding his false implication. An argument has been raised by the counsel that though he was chatting with the victim, who blocked his number, he does not know the co-accused nor has he ever been in touch with them.

Per contra, State counsel has opposed the petition by relying upon the statement of the victim recorded under Section 164 Cr.P.C. She contends that besides naming the petitioner in the FIR, the victim has also stated that her photograph has been downloaded by the accused, who are known to each other, from her Whatsapp profile which is being misused. She has also stated that the accused told her that they will not stop chasing her till her death and have been threatening that they will disclose everything to her brother. State counsel submits that mobile number of the victim has been supplied to the petitioner by the co-accused.

I have considered the respective submissions of counsel for the parties.

The victim is a young girl of an impressionable age, who has been

continuously harassed and troubled by all the four accused, including the petitioner, who are using her morphed photographs to pressurize her to go along with them. Being bullied and under severe mental pressure, she attempted to commit suicide. The allegation against the petitioner is of telephonically harassing the victim and as to whether he was physically present in Tosham is immaterial. In any case, same would remain a matter of trial and this Court does not deem it appropriate to deal with the argument at this stage. No reason has been assigned by the petitioner as to why the victim would falsely implicate and specifically name him and other accused in the FIR which has been duly supported by her in her statement recorded before the Magistrate under Section 164 Cr.P.C.

Keeping in view the fact that the petitioner is accused of harassing a school going girl, who is below the age of 16 years, the grave nature of allegations and gravity of offence, this Court is of the view that the custodial interrogation of the petitioner is required to recover the objectionable morphed photographs as well as the mobile phone of the petitioner and the extent of his complicity in the offence. This Court is, therefore, of the opinion that the petitioner is not entitled to the discretionary relief of anticipatory bail.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

January 21, 2022
Kamal/savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No