

SUDHIR @ SUDHIR SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.S.Paul, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

On 01.06.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.15 dated 23.02.2022 under Section 376(2)(D)(i) IPC and Sections 6, 14, 21, 23 of POCSO Act and Sections 67, 67(A), 67(B) of IT Act, registered at Police Station Nangal, District Rupnagar.

Learned Senior counsel for the petitioner contends that Amritpal Dhiman, co-accused was running a school and in the year 2010 had been exploiting the female students. He had also made obscene videos and pictures of the students who were of young and tender age in his mobile phone. Subsequently, he had stored those video and pictures in the computer. The arrest of Amritpal Dhiman was effected and as per his disclosure statement, he was informed by one Jasbir Singh (since deceased) that Shiv Kumar had stolen the obscene videos and pictures from the computer of Amritpal Dhiman. Subsequently, Shiv Kumar was arrested and as per his disclosure statement, he had found the folder from the computer of Amritpal Dhiman containing obscene photographs of two girls. Thereafter, he transferred those photographs in a pendrive. Inadvertently, he handed over the pendrive to Naresh Kumar for transferring some

songs in the pendrive. Thereafter, Naresh Kumar had shared these photographs with Prince i.e. the petitioner (as mentioned in the disclosure statement and the record of the police). The allegation against the petitioner is to the effect that he was working as a Press Reporter and had not reported the matter on the receipt of obscene photographs and videos and had been blackmailing Amritpal Dhiman. Consequently, the penal provisions of Sections 21 and 23 of Protection of Children from Sexual Offences Act, 2012 are sought to be invoked against him and the said offences are punishable with imprisonment for a term of six months and one year respectively. Although, in the reply, the version of the respondent-State is to the effect that the petitioner had made the videos and photographs viral on social media. The allegation as put forth in the reply against the petitioner is without any evidence or material on record. Even there is no allegation with regard to blackmailing Amritpal Dhiman as emerging in the disclosure statement of Amritpal Dhiman.

On a query, as to on what basis, it has been mentioned in the reply that the photographs and videos have been made viral on social media by the petitioner, the learned State counsel seeks time to get instructions in the matter.

Adjourned to 03.08.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Mehar Singh, learned State counsel has

the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 01.06.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

03.08.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No