

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(106)

CRM-M-22964-2022

Date of Decision: 25.05.2022

Deepak Kumar Yadav

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. A.P.S. Chaudhary, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C praying for granting anticipatory bail to the petitioner in case FIR No.63 dated 23.3.2021 registered under sections 354-A, 354-B, 354-C, 506, 120-B IPC at Police Station, Jamalpur, District Police Commissionerate, Ludhiana.

As per facts of the case, the present FIR was lodged by the prosecutrix (name concealed). It was alleged that they had a provisional store and their residence was in the shop itself. Inder Kumar son of Ram Chander Yadav used to live in front of their house for the last eight years. Taking benefit of the situation on 1.11.2020 Inder Kumar videographed her on mobile phone while she was taking bath. The prosecutrix was not aware of the same. Having found demeanor of Inder Kumar objectionable, the prosecutrix objected to the same, however, Inder Kumar started blackmailing her by viralling the same on internet. Despite the request by the prosecutrix he did not stop blackmailing her. Rather he started harassing her by disclosing that he had sent the video to his friend Deepak Kumar Yadav i.e. the present petitioner. On 14.3.2021 at the residence of the prosecutrix, Inder Kumar torn her T-shirt and touched her private parts.

He also threatened the prosecutrix that he has relations with other girls as well and he had saved the pictures of Deepak and her in his mobile phone. In order to save her honor initially she kept mum, however, finally she lodged the present FIR as the petitioner used to instigate his friend Inder Kumar.

The investigation commenced and the co-accused Inder Kumar was arrested. He was granted regular bail by this court vide order dated 22.12.2021, however, the present petitioner could not be arrested.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in this case. He has submitted that the allegations are mainly against co-accused Inder Kumar, who has been granted bail by this court. He has submitted that as the petitioner was innocent and it is on account of the same he was never arrested by the investigating agency. Counsel submits that the petitioner approached the court of learned Addl. Sessions judge, Ludhiana praying for grant of bail, however, the same was declined vide order dated 7.1.2022. Counsel submits that as the petitioner has no role to play in the alleged offence, petitioner deserves to be granted the benefit of anticipatory bail.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

The allegations levelled by the prosecutrix against the petitioner and the co-accused are specific and serious in nature. The prosecutrix has specifically alleged that the co-accused Inder Kumar took her objectionable photographs clandestinely and the same were sent to the petitioner. This is also the specific allegation against the petitioner that he used to instigate the co-accused Inder Kumar for extracting money from the

prosecutrix. The co-accused was arrested and he was granted regular bail after the investigation having been completed. So far as the petitioner is concerned, it is the specific case of the prosecution that the objectionable photographs of the prosecutrix sent by the co-accused are yet to be recovered as he could not be arrested since the date of registration of the FIR. The custodial interrogation of the petitioner is very much required for the purpose of thorough and fair investigation. The Hon'ble Supreme Court in *State (represented by CBI) vs. Anil Sharma (1997) 7 SCC 187* has held that the custodial interrogation is more effective in qualitative elicitation.

Keeping in view the facts and circumstances of the case and gravity of offence involved, this court does not find any merit in the present petition and the same is hereby dismissed.

25.05.2022
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No