

CRM-M-35059 of 2022

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-35059 of 2022

Date of Decision: 17<sup>th</sup> August, 2022

Anil @ Main Kumar

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. J. S. Thind, Advocate for the petitioner.  
Mr. Gurmit Singh, AAG, Haryana.

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**AVNEESH JHINGAN , J.(Oral)**

This is a third petition seeking regular bail in FIR No. 645 dated 4.9.2020, under Sections 376(2)(n)/506 IPC and 66E/67 of the Information Technology Act, 2000 registered at Police Station Sadar, Hisar.

The earlier petitions were withdrawn on 15.2.2021 and 6.1.2022 with liberty to revive the prayer at later stage.

The brief facts are that the prosecutrix (name withheld) lodged a police complaint disclosing that she belongs to Scheduled Caste. She was studying in B.A.. Her uncle Anil @ Main Kumar (petitioner), a married person, was on visiting terms. On 6.3.2019, when the prosecutrix was alone at home the petitioner made physical relations and the act was repeated thereafter many times. The petitioner had clicked objectionable photographs for blackmailing her. Marriage of the prosecutrix was solemnised in June, 2020. The petitioner to build pressure, was using the video and photographs. On refusal of the prosecutrix to submit to the

wishes of the petitioner, he sent the photographs to her husband and made the video viral on social media. The prosecutrix had supported the case of the prosecution in her statement under Section 164 Cr.P.C. The mobiles of the petitioner and the husband of the prosecutrix were recovered and sent to Forensic Science Laboratory.

Learned counsel for the petitioner submits that the petitioner is in custody since 9.9.2020. He further submits that the prosecutrix refused to undergo the medical test and there is delay in lodging the FIR. The contention is that the prosecutrix has been examined. He submits that the numbers used for sending the photographs to the husband of the prosecutrix and from which the video was made viral does not belong to the petitioner.

Learned counsel for the State opposes the prayer for grant of bail. He submits that there are specific allegations against the petitioner, the allegations are serious and the prosecutrix has supported the case of the prosecution. He further submits that the petitioner is involved in three more cases.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case and are made only for the purpose of deciding the bail petition.

The contention of learned counsel for the petitioner that there is delay in lodging the FIR does not enhance the case of the petitioner for grant of bail. The incident was of 6.3.2019 and thereafter the act of sending the objectionable contents i.e. Photographs and the video to the husband of the prosecutrix and making them viral on the social media aggravated the position.

The argument that the prosecutrix refused to undergo the medical test needs no comments at this stage. Suffice to say that the alleged incident was of almost one year back. The prosecution can prove its case without there being a medical report. Secondly, as to whether the mobile numbers used for sending the photographs and making the video viral belonged to the petitioner or not would be subject matter of trial.

Considering the seriousness of the allegations and the fact that the petitioner belongs to village of the prosecutrix, he would be in a position to influence the witnesses, no case is made out for grant of bail.

The petition is dismissed.

(AVNEESH JHINGAN)  
JUDGE

17<sup>th</sup> August, 2022  
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|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |