

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1)

CRM-M-42534-2022 (O&M)
Date of Decision:- 21.12.2022.

PANKAJ		Petitioner
	Vs.	
STATE OF PUNJAB		...Respondent

(2)

CRM-M-43751-2022 (O&M)
Date of Decision:- 21.12.2022.

SHIVA @ SHIVA LOHAT		Petitioner
	Vs.	
STATE OF PUNJAB		...Respondent

(3)

CRM-M-44425-2022 (O&M)
Date of Decision:- 21.12.2022.

AMAN CHAUHAN		Petitioner
	Vs.	
STATE OF PUNJAB		...Respondent

(4)

CRM-M-45183-2022 (O&M)
Date of Decision:- 21.12.2022.

KESHAV RAO		Petitioner
	Vs.	
STATE OF PUNJAB		...Respondent

(5)

CRM-M-56914-2022 (O&M)

Date of Decision:- 21.12.2022.

CHETAN SINGH @ VICKY

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rahul Bhargava, Advocate for the petitioners.

Mr. R.S. Khaira, DAG, Punjab.

Ms. Arti Kaur, Advocate for the complainant in CRM-M-43751-2022 and CRM-M-56914-2022

Mr. Umesh Aggarwal, Advocate for the complainant in CRM-M-44425-2022 and CRM-M-45183-2022

AMARJOT BHATTI, J. (Oral)

The petitioners -Shiva @ Shiva Lohat, Aman Chauhan, Keshav Rao and Chetan Singh @ Vicky have filed the separate petitions under Section 439 CrP.C. for grant of regular bail and petitioner Pankaj has filed anticipatory bail under Section 438 CrP.C., in FIR No.88 dated 14.07.2022 under Sections 376-D and 506 IPC and Section 6 POCSO Act (Sections 376-D/A, 354-C, 366-A IPC and Section 4 of POCSO Act and Section 67-B of IT Act added later-on) registered at Police Station Balongi, SAS Nagar.

The facts of the case are that the complainant/victim alleged that she was 16 years old and was student of 10th class, Government Model High School, Sector-41A, Chandigarh. About 6 months ago, she got friendly with a boy namely Vicky @ Chetan Singh who was living in their

neighbourhood. They developed physical relations and she started trusting him. She had sent nude video to Vicky who started threatening her that he will viral the video on social media and maintained physical relations with her against her wishes. He had sent the said video to his friend namely Aman, Keshav Rao, Pankaj and Shiva @ Shiva Lohat. She received a call from Aman friend of Vicky, in the month of June, who threatened her that he was having her objectionable video and she was forced to come to his place otherwise he will put the said video on social media. Out of fear she went to the house of Keshav where Aman, Keshav Rao and Shiva were already present and they had sexual relations with her by threatening her that they would tarnish her image. Out of fear she remained quite. Ultimately, she narrated the incident to her elder sister and the matter was reported to the police.

Learned counsel for the petitioners argued that they were falsely involved in this case due to some misunderstanding. The victim has not supported her own version. The victim is minor and her father has also furnished affidavit that the FIR was got lodged due to some misunderstanding. A copy of the said affidavit is placed on record. The sister of victim has also given similar affidavit. The petitioners are young boys. Their future is ruined due to this FIR. They have already joined the investigation.

Learned counsel for the petitioners has placed on record copy of chargesheet dated 02.11.2022 vide which Keshav Rao, Shiva @ Shiva Lohat, Aman Chauhan and Chetan @ Vicky are chargesheeted under Section 376 IPC, 67B IT Act, 376-D/A IPC, 354-C, 506 IPC, 4 & 6 POCSO Act. There is statement of victim recorded as PW-1 where she has

denied the occurrence and was declared hostile and was cross-examined at length by the Public Prosecutor. The trial of this case may take long time. They will abide by the terms of bail order. Even Pankaj has joined the investigation on the basis of interim order passed by this Court dated 15.09.2022, therefore, the anticipatory bail filed by Pankaj and the regular bail applications filed by the aforesaid petitioners may kindly be allowed.

On the other hand, learned counsel representing the State has not disputed the factual position regarding the statement of victim recorded before the trial Court as PW-1. It is argued that other prosecution witnesses are yet to be examined. The allegations are specific and serious in nature. Therefore, the petitioners are not entitled to the relief of regular bail or the anticipatory bail as filed by Pankaj.

I have considered the arguments and have gone through the record carefully. In the case in hand as per the documents and the status report on file, the petitioners Keshav, Shiva @ Shiva Lohat, Aman Chauhan, Chetan @ Vicky are chargesheeted whereas Pankaj has filed anticipatory bail. I have considered the statement of victim in which she has levelled specific serious allegations of rape, blackmailing and threatening the victim to put her objectional video on social media. The chargesheet was framed on 02.11.2022 and the trial is under progress. It cannot be ignored that the statement of victim is already recorded as PW-1 but she has not supported her version as narrated by her initially. Along with the bail application, there are affidavits of the father and the elder sister of the victim alleging that the FIR was got registered under some misunderstanding. The trial is under progress and other material witnesses are yet to be examined. The conclusion of trial may take some time.

Therefore, considering the facts and without expressing my mind on the merits of the case, the regular bail applications filed by petitioners Shiva @ Shiva Lohat, Aman Chauhan, Keshav Rao and Chetan Singh @ Vicky are allowed on furnishing bail bonds and surety bonds to the satisfaction of trial Court.

The petitioner - Pankaj has filed anticipatory bail in which he was granted interim relief regarding stay of his arrest vide order dated 15.09.2022. The status report is also received in this case. As per the directions of this Court, he has already handed over his mobile phone to the police which is sent to Cyber Crime Cell, Punjab. He has joined the investigation and is not required for any other purposes. As referred aboe, the victim has not supported her own version when she stepped into the witness box in the trial faced by the other co-accused, therefore, considering the factual position the anticipatory bail application filed by Pankaj is allowed. He may not be arrested and in-case he is arrested he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions enshrined under Section 438 (2) Cr.P.C.

The petitions are disposed of.

A photocopy of this order be placed in each of the connected cases.

21.12.2022

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No