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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-2541-2023

Date of Decision:- 13.02.2023

MOUSAM

....Petitioner

Vs.

STATE OF HARYANA

...Respondents

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Abhimanyu Singh, Advocate  
for the petitioner.

Ms. Deepshikha Chauhan Asst. A.G. Haryana.

Ms. Sehej Sandhawalia, Advocate  
for the complainant.

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**AMARJOT BHATTI, J. (Oral)**

The petitioner – Mousam has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.433 dated 20.11.2022 under Sections 306, 34 of the IPC (later on offence under Sections 67, 67-A of the IT Act, 2000 have also been added) registered at Police Station Kalayat, Kaithal District Kaithal (Haryana).

The facts of the case are that the complainant – Ravinder gave his statement to the police that his daughter i.e. the victim, aged about 21 years was a student of B.Com 2<sup>nd</sup> year. On 18.11.2022, at about 10:00 a.m, Jitender i.e. the son of his uncle and Nepal son of Babu Ram came to him and showed obscene video of his daughter. He showed this video to his wife. The said video was taken from the mobile of Abhishek. His daughter felt insulted and humiliated. The video was deleted from the mobile of

Jitender. He scolded his daughter. On 19.11.2022, his daughter called on

the mobile phone of Mousam alleging that he had shared the said obscene video. His daughter further disclosed that she was being threatened by Mousam to viral the said video and for this reason, she was mentally upset. On 20.11.2022, when he was sitting in the room along with his wife and sister-in-law and his daughter i.e. the victim was sleeping in another room, he noticed that the room of his daughter was bolted from inside. They knocked at the door but the victim did not respond. Ultimately, he peeped inside the room from a window and saw the victim hanging from the ceiling fan. Thereafter, the door was opened from inside by entering the room through window. The body was brought down. The police was called on the spot. His daughter committed suicide as her obscene video turned viral. With these allegations, the matter was inquired and present FIR was registered. A suicide note was also recovered naming Mousam, Abhishek and Shekhar.

Learned counsel for the petitioner argued that he is falsely implicated in this case. No role is attributed to him. He has not made that obscene video viral. Learned counsel for the petitioner has also referred to Whatsapp chat i.e. Annexure P-2 and on that basis, it is argued that the victim was addressing him as *bhai*. He has no role to play in preparing the said video or sending to anybody. He is ready to join the investigation. Learned counsel for the petitioner has also relied upon the order of Coordinate Bench in Criminal Miscellaneous No. 2386 of 2022 dated 21.01.2022, titled as Maam Gujjar @ Maam Hussain vs. State of Punjab, where in FIR No. 253 dated 03.11.2020 under Section 306 IPC, Police Station City Batala, Gurdaspur, the petitioner was granted anticipatory bail in that case. It is argued that the bail application of present petitioner is on the same footing. Therefore, he is also entitled to the relief of anticipatory

bail.

The bail application is opposed by learned counsel representing the complainant as well as learned counsel representing the State. It is argued that the present petitioner is specifically named in the suicide note. He is yet to join the investigation. There are serious specific allegations against him. Therefore, he is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record. I have also gone through the extract of suicide note in which along with other persons, present petitioner is specifically named for blackmailing her. During the course of arguments, it was pointed out that one of the accused Shekhar also committed suicide. As per the facts, one obscene video of the victim and Shekhar was circulated and ultimately it came before the family of victim. The victim felt humiliated and ultimately committed suicide by hanging from the ceiling fan. It is a case of unnatural death. One suicide note is there, where the present petitioner is specifically named for blackmailing her. So far the order of Coordinate Bench referred above is concerned, the factual position was different. In that case, there was no suicide note or dying declaration. Therefore, the said authority is not applicable to the facts of the present case.

There are specific serious allegations against the present petitioner, who is yet to join the investigation. Therefore, considering the gravity of offence, I do not find a fit case for grant of anticipatory bail to the petitioner – Mousam and the same is, accordingly, declined.

13.02.2023

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**(AMARJOT BHATTI)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No