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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10828-2023

Date of Decision:- 16.05.2023

Parshant Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Parveen Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, Assistant A.G. Haryana.

Mr. Vijay Dahiya, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Parshant Kumar has filed the instant petition under Section 438 Cr.P.C. for grant of pre-arrest bail in FIR No. 15 dated 10.01.2023 (Annexure P-1) registered under Section 328, 376(2)(n), 506 of Indian Penal Code, 1860, Section 6 of Protection of Children from Sexual Offence Act, 2012 (offence under Section 67 of Information Technology Act, 2000 added vide order dated 11.05.2023), registered at Police Station City Bahadurgarh, District Jhajjar.

The facts of the case are that the complainant Rajesh gave his statement to the police that his daughter i.e. the victim, aged about 17 years was student of 12th class in Government School, village Bhatgaon.

She was living under fear and depression. On 05.01.2023, he saw a viral video on Instagram pertaining to his daughter. When he inquired from his

daughter, she started weeping. She did not disclose about the incident out of fear. She disclosed that 3-4 months ago, she got friendly with Parshant on Instagram. He started calling her and on two occasions he came to Sonipat to meet her. On 22.11.2022, he took her to Bahadurgarh in a hotel room where he made her consume some cold drink. She became unconscious. Prashant committed rape with her and prepared obscene video. He started threatening her to viral the said video and also compelled to meet him again. He was having a fake ID and from that ID he made the said video viral. He again took her to Bahadurgarh at his uncle's dairy on 04.12.2022 and committed rape with her. He started compelling her to meet him time and again. She was physically and mentally harassed and defamed in the society. With these allegations, present FIR has been registered.

Learned counsel for the petitioner pointed out that the facts of the case indicate that the said victim and the present petitioner were friendly with each other. The alleged victim used to meet the petitioner with her sweet will and there was consensual relationship between them. The family of the girl objected to their relationship. He is falsely implicated in this case. The alleged video was prepared by the girl herself. He is not aware of any viral video pertaining to the victim. The allegations levelled against him are false. He is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State as well as learned counsel for the complainant. The status report is also filed. It is argued that during investigation, it has come that the accused used his mobile phone for making obscene video. The victim was repeatedly raped by threatening her to viral her video. At the time of said

occurrence, the victim was minor. The allegations are specific and serious in nature. Considering the gravity of offence, he is not entitled to be released on anticipatory bail.

I have considered the arguments and have gone through the record carefully. The petitioner is specifically named by the complainant. The facts of the case referred above indicate specific attribution to the present petitioner. The victim was allegedly minor at the time of said occurrence. She was physically exploited time and again and her obscene video was prepared which was made viral. The matter requires thorough investigation. Since the victim was a minor, therefore, her consent does not carry any weight. Considering the gravity of offence and specific attribution, I do not find a fit case for grant of anticipatory bail to the petitioner – Parshant Kumar and the same is accordingly, declined.

16.05.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No