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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-20866-2022

Date of Decision:- 24.02.2023

ANAND MALHOTRA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

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

Present:- Mr. K.S. Brar, Advocate  
for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. R.K. Grewal, Advocate  
for the respondent No. 2.

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

The petitioner – Anand Malhotra has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.102, dated 22.03.2022 under Sections 376, 506 of IPC and Section 67 of Information Technology Act, 2000, registered at Police Station City Faridkot, District Faridkot.

The facts of the case are that the prosecutrix gave her statement to the police that she is about 27 years old and had completed B.A. L.L.B from Baba Farid Law College, Faridkot. She got friendly with a senior boy namely Anand Malhotra when she was a student of first year. All friends used to sit together and during this they clicked group photographs with mobile phone. Anand Malhotra edited her photograph and started blackmailing her. He used to prepare her obscene photographs after editing

her brother. Many a times, he used to send hello message to her brother and after taking screenshot, he used to send it to her. She met Anand Malhotra out of fear. He took her to Fun Plaza and there he developed physical relation with her. He continuously threatened her and forced her to talk to him. He was threatening that he will viral her obscene photographs. She disclosed this fact to her uncle Krishan Kumar. He started threatening the entire family. Her family had a talk with the parents of Anand Malhotra to make him understand but the mother of Anand Malhotra purposed her marriage with her son. Their family was disturbed and Anand Malhotra took Rs. 4-5 lacs from her by blackmailing her. Ultimately, she got engaged with Rajat Garg s/o Vinod Kumar but Anand Malhotra showed the said photographs to him and as a result, her engagement was broken. He proclaimed that she was engaged with him. The accused Anand Malhotra developed physical relations with her without her consent by threatening her. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against the petitioner are false. While studying in Baba Farid Law College, Faridkot, they got friendly. It is wrong that he ever blackmailed her or threatened her or compelled her for physical relations. She has levelled false allegations against his old mother and sister. They have been granted bail by Additional Sessions Judge, Faridkot vide orders dated 18.04.2022, which are Annexures P-2 and P-3. The petitioner is having clean antecedents and he is a practicing advocate at Abohar. In fact, their relationship turned sour and the parents of prosecutrix did not approve their relationship. The prosecutrix, under pressure has cooked up a false story of alleged sexual assault. It is denied that he ever edited any

photograph. He has already handed over his phone to the investigating agency. No offence is made out under Section 376 of IPC or under Section 67 of Information Technology Act. He is ready to cooperate with the investigation. It is again pointed out that the petitioner is still ready and willing to perform marriage with the prosecutrix. Learned counsel for the petitioner has relied upon the authority cited in **2013 AIR (SC) (Cri) 1778, titled as “Prashant Bharti Versus State of NCT of Delhi”**, where in a case, accused was having sexual intercourse with a married women with a false promise of marriage with the prosecutrix. Similarly, he has relied upon another authority cited in **2020(3) R.C.R.(Criminal) 231 of Co-ordinate Bench in case titled as “Akash Verma Versus State of Haryana”**, where again anticipatory bail was granted where the accused entered into physical relation on the pretext of getting marriage and even blackmailed her by showing her obscene photos. Therefore, it is prayed that his anticipatory bail application may be allowed.

The bail application is strongly opposed by the learned counsel representing the State and counsel for the respondent No. 2. Status report has been received. It is argued that the facts of the case clearly indicates serious allegations against the present petitioner. The mobile phone in possession of police is still subject of investigation. After completing initial investigation, the challan has been prepared against the accused. The petitioner is still threatening the family of prosecutrix regarding which information was given to the police and one DDR No. 15 dated 23.02.2023 has been recorded. Considering the gravity of offence, the petitioner is not entitled to be released on anticipatory bail.

I have considered the arguments and have gone through the record carefully. The arrest of the present petitioner was stayed till next

date. It is a matter of record that he had handed over his mobile phone and sim to the police which is subject matter of investigation. I have considered the statement of complainant, where she has levelled specific serious allegations regarding editing her photographs and for blackmailing her and forcing her to maintain physical relations with him. It cannot be ignored that this process started when the prosecutrix was first year student of LLB in Baba Farid Law College, Faridkot and the petitioner was her senior student. Much later, the prosecutrix got engaged with some other boy and her engagement was broken by showing her obscene photographs to the said boy and the process of threatening and blackmailing the prosecutrix continued. I have also considered the aforesaid authorities relied upon by learned counsel for the petitioner. However, these authorities are not applicable to the facts of the present case. There are specific serious allegations against the present petitioner. The bail application of mother and sister were on different footings. He is required to join the investigation. Considering the gravity of offence and nature of allegations, in my opinion, the petitioner – Anand Malhotra is not entitled to be released on anticipatory bail and the same is accordingly, declined.

24.02.2023  
*lalit*

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

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No