

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

201

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**CRM-M No. 30277 of 2022  
Date of Decision : 19.1.2023**

*Vishal Malhotra @ Vishal Nath @ Mahant Ji*

*..... Petitioner*

*versus*

*The State of Haryana*

*..... Respondent*

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Gaurav Pathak, Advocate, for the petitioner  
Ms. Mahima Yashpal, DAG, Haryana  
Mr. Shivam Chaudhary, Advocate, for the complainant

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**TRIBHUVAN DAHIYA J. (ORAL):**

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioner in case FIR No.344 dated 15.5.2022 under Section 506 IPC, Section 67-B of IT Act, 2000 and Section 12 of POCSO Act, 2012 (added later on) registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

As per the case of the prosecution, the applicant/petitioner has used abusive/obscene and unparliamentary language against the complainant and her minor daughter in video clippings uploaded on social media in order to defame the complainant and to vilify her image. He has also threatened to kill the complainant and sexually harass/assault her minor daughter.

It is recorded in the order of the trial Court, when the Investigating Officer (IO) asked the petitioner to appear and join the investigation, he threatened the IO with dire consequences. The alleged video clipping of the petitioner containing abusive and obscene content regarding the complainant was viewed by the learned Additional Sessions Judge before dismissing the pre-arrest bail application, and transmission of the alleged obscene material through

social media platform against the complainant and her daughter was found.

Learned State counsel, on instructions from SI Naresh, states that statement of complainant's daughter under Section 164 Cr.P.C. has been recorded, wherein allegations of the circulation of the obscene video and using of other defamatory language is clearly mentioned. Therefore, custodial interrogation of the petitioner is required to complete the investigation. Though the petitioner once joined the investigation, he refused to cooperate and refused to hand over his mobile phone.

In view thereof, looking at the petitioner's conduct as well as availability of prima facie material regarding the serious offences allegedly committed by him, this Court is not inclined to grant pre-arrest bail to the petitioner.

Dismissed.

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

**19.1.2023**

*Ashwani*

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |