

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

101

CRM-M-29433-2023

Date of decision:06.06.2023

HAFEEJ**.... Petitioner****Versus****STATE OF HARYANA AND ANR.****.... Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mohammad Sabir, Advocate for the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

MANISHA BATRA, J. (oral)

Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No.174 dated 02.04.2023, registered under Sections 354-D and 506 of IPC, at Police Station- Sadar Nuh, District Nuh, Haryana (Annexure P-1).

2. Brief facts of the case which are relevant for the purpose of disposal of this petition are that on 02.04.2023, the complainant-Salma w/o Imran filed a written complaint at Police Station Sadar Nuh, alleging therein that on 09.02.2023, she had received a call from phone No.9813021238 during night hours. Then on 13.02.2023, she received some obscene messages and photos from the same number on her whatsapp during night time. The petitioner/accused who was the consumer of abovesaid cell number also sent audio recordings containing obscene language and abuses on the whatsapp number of the complainant and thereafter, he also started harassing her by making calls from different numbers. He even threatened to kidnap and rape her. Therefore, the complainant requested to take penal action against the culprit. On this complaint, a case under Sections 354-D and 506 of IPC was registered. Investigation proceedings were initiated and call detail record of the complainant and the petitioner/accused was also obtained.

3. Status report filed on behalf of the respondent-State is taken on record.
4. The petitioner filed an application for grant of anticipatory bail before the learned Sessions Judge, Nuh which was dismissed vide order dated 18.05.2023.
5. The present petition has been filed by the petitioner seeking anticipatory bail on the ground that he has been falsely implicated in the present case. The subject offences are triable by Magistrate; no recovery is to be effected against him and there was delay of 45 days in registration of the FIR which has remained unexplained. Hence, it is urged that he deserves to be given concession of anticipatory bail and the petition deserves to be allowed.
6. Learned State counsel has submitted report to the effect that during investigation, obscene messages and photos were shown to have been sent from the mobile phone of the petitioner to the mobile phone of the complainant and he was also proved to have made calls on her mobile phone. There are specific allegations against the petitioner which *prima facie* stand substantiated from the record collected by the Investigation Officer in the form of obscene messages and photos.
7. Having regard to the aforesaid position, this Court opines that the custodial interrogation of the petitioner would be required to unearth all the finer details and no special case for extending benefit of anticipatory bail to the petitioner is made out.
8. The petition is sans merit and is hereby dismissed.

(MANISHA BATRA)
JUDGE

06.06.2023

Jyoti-IV

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No