

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
207 **CRM-M-30183-2023 (O&M)**
Date of decision: 31.08.2023

Deepak Goyal

...Petitioner(s)

Vs.

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG Haryana.

Mr. Sachin Mittal, Advocate
for the complainant.

NIDHI GUPTA, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.138 dated 19.04.2023 registered under Sections 354-D, 384, 506 and 34 IPC and Section 67-A of Information Technology Act, 2000 at Police Station Ferozepur Jhirka, District Nuh, Haryana.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. It is submitted that even two years ago, it had been alleged that the present petitioner had been blackmailing the prosecutrix by sending her nude photographs. However, the matter was settled in Panchayat. It is further submitted that the petitioner is totally innocent and no offence as alleged has been committed by him, and the petitioner came to know the prosecutrix as she

was a classmate of the sister of the co-accused. It is further submitted that the complainant/father of the prosecutrix had received call from mobile number 17125613396, which does not belong to the petitioner. The petitioner has neither sent nor identified the alleged photos of the complainant's daughter. He has no concern or knowledge of the said mobile phone and he has never sent any message or made any call to the complainant or his daughter.

3. Learned counsel further submits that as per the statement of the prosecutrix recorded under Section 164 Cr.P.C. on 30.04.2023 before the learned Judicial Magistrate, 1st Class, Ferozepur Jhirka, co-accused Sonu/Kartik has been named in the present incident regarding which the petitioner has no concern. It is accordingly prayed that the petitioner be granted concession of anticipatory bail.

4. Per contra, learned State Counsel submits that the petitioner has been specifically named by the complainant in the FIR. It is stated that in fact, the petitioner along with co-accused Sonu had been blackmailing the victim for the past two years. The petitioner had even received an amount of Rs.2 lakh from the complainant party as blackmail money. However, upon settling of the dispute between the petitioner and the complainant party, the petitioner had returned the said amount of Rs.2 lakh and at that time, his phone containing photographs was also broken. However, despite that the petitioner and co-accused Sonu @ Kartik continued to blackmail the victim and obtain money from her. Further, they also blackmailed the father of the victim/complainant, and when he refused

to give money, they shared the obscene photographs of his daughter/victim.

5. Learned State counsel further submitted that the co-accused Sonu had handed over the mobile phone (which was returned by the prosecutrix), ATM card and Rs.10,000/- to the present petitioner. Thus custodial interrogation of the petitioner is required for recovering the said articles/money, especially the mobile phone used by the petitioner in the present crime, and for obtaining other relevant information about the present case i.e. about the backup of the obscene photos, and where all the petitioner has shared these photos.

6. I have heard learned counsel for the parties.

7. Without commenting on the merits of the matter, however, keeping in view the totality of the facts and circumstances of the case, I find no ground is made out to grant anticipatory bail to the petitioner at this stage. Present petition accordingly stands **dismissed**.

8. Pending application(s) if any also stand(s) disposed of.

31.08.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No