

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

CRM-M No.38743 of 2023 (O&M)
DATE OF DECISION : 25.08.2023

Gautam

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Chirag Kundu, Advocate for the petitioner

Ms. Mahima Yashpal, DAG Haryana

..

ALKA SARIN, J. (Oral):

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.220 dated 02.03.2023 under Sections 328, 344, 376, 376(2)(n), 506 of the Indian Penal Code, 1860, Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 67 of the IT Act, 2000 registered at Police Station Civil Lines, Sirsa, District Sirsa, Haryana.

2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the case because of a financial dispute between the petitioner and the complainant. It is further the contention that even as per the FIR, an amount of Rs.75 lakhs was earned by the petitioner and the complainant by promotions on Instagram and that the

petitioner had not paid the complainant her share. The learned counsel would further contend that the first incident is of 03.08.2021 whereas the present FIR has been lodged on 02.03.2023 and that the petitioner and the complainant have known each other since 2020. Learned counsel for the petitioner has further relied upon an affidavit of the complainant appended with the present petition as Annexure P-1 to contend that the complainant herself has stated therein that she would have no objection if the petitioner is granted bail and that there was no obscene video of her which was made by the petitioner.

3. A status-report by way of affidavit of Jagat Singh, HPS, Deputy Superintendent of Police, HQ, Sirsa has been filed by the learned counsel for the State. The counsel for the State has pointed out that on 20.10.2022 the petitioner had sent an obscene video from his mobile number 90247-06907 to the mobile number 93067-29905 of the complainant which has been appended with the status-report in a pen-drive. The learned State counsel would further contend that there were obscene videos which were sent by the petitioner to the complainant and that she was being blackmailed to bring Rs.5 lakhs otherwise her videos would be made viral. It is further the contention that due to the obscene videos which the petitioner had of the complainant, she was pressurized to have physical relations with the petitioner. The learned State counsel has further referred to a statement made by the complainant before the Child Welfare Committee on 22.03.2023 wherein she clearly stated that her family was pressurizing her to compromise the matter and that she was residing with her maternal grandparents as well as maternal aunt. The counsel for the State has further stated that the complainant has even in her statement recorded under Section

164 CrPC reiterated the allegations. He has further referred to the medical report of the complainant.

4. Heard.

5. In the present case, learned counsel for the petitioner has laid much stress on the financial transactions between the petitioner and the complainant as well as the affidavit of the complainant which has been appended with the petition as Annexure P-1. However, as per the status report filed by the State and as per the statement of the victim recorded before the Chief Welfare Committee, she is being pressurized to enter into a compromise. In view thereof, no credence can be given to the affidavit appended with the petition as Annexure P-1. Further, the complainant has supported the case of the prosecution in her statement recorded under Section 164 CrPC. The State along with its status-report has also appended a pen-drive containing the video and photos (Annexure R-5) sent by the petitioner to the complainant. Since the pen-drive contains sensitive material, the same has been returned to the State counsel in Court today itself.

6. In view of the above and in view of the very serious allegations against the petitioner, I do not find this to be a fit case for grant of anticipatory bail to the petitioner. The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.08.2023
parkash

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO