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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29743-2024

Date of decision: 12.08.2024

Vikas Gupta alias Vikas

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Lalit Goyal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Atul Goyal, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.43 dated 14.03.2024 under Sections 354-A/506 of IPC and Sections 66-C/67-A of Information and Technology Act, registered at Police Station Tibba, Ludhiana.

On 13.06.2024, the following order was passed:-

'Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No.43 dated 14.03.2024 under Sections 354-A and 506 of Indian Penal Code and Sections 66-C and 67-A of Information and Technology Act, 2008 registered at Police Station Tibba, District Ludhiana.

Learned counsel for the petitioner contends that as per the allegations in the FIR, petitioner uploaded obscene and objectionable photographs of complainant's daughter. He submits that even the matter had already been compromised, but complainant filed a complaint under Section 156(3) Cr.P.C. He further submits that mobile phone and Aadhar card used in the alleged crime have already been recovered by the police authorities and petitioner is ready to join the investigation.

Notice of motion.

At this stage, Mr. Amit Goyal, Addl.A.G.Punjab accepts notice on behalf of the respondent-State.

Adjourned to 12.08.2024.



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Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.'

In compliance thereof, the learned State counsel assisted by learned counsel for the complainant submits that even after registration of the FIR (*supra*), the petitioner still uploading objectionable material on 17 fake accounts demeaning the daughter of the complainant who is not able to face the society due to the continuous harassment by the petitioner and the complainant was compelled to file writ petition in which directions have been issued by this Court to delete the material from the Instagram and in the month of July, when fresh material was posted on social media accounts, the complainant has approached the jurisdictional police authorities with complete details of the account. The jurisdictional police authorities is investigating the same.

Having heard learned counsel for the parties and after perusal of the record, this Court finds that the petitioner even after registration of FIR (*supra*) has continued to harass the daughter of the complainant and has been creating false accounts with her ID and, therefore, his custodial interrogation is required to ascertain in what manner and what devices are being used by the petitioner to create fake IDs with the name of the daughter of the complainant.

In view of the above, custodial interrogation of the petitioner is essential and thus, the present petition is hereby dismissed.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

12.08.2024

Neha

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