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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30120-2024
Date of decision: 18.06.2024

Paras

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Kumar Gupta, Advocate and
Mr. Hritik Gupta, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Shubham Kaushik, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

1. This is the first petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.215 dated 03.04.2024 registered under Sections 328, 354, 354B, 384 of the Indian Penal Code, 1860 and Sections 8 and 12 of POCSO Act, at Police Station HTM Hisar, District Hisar.

2. FIR, in the present case, has been registered against the petitioner by Rakesh Kumar on the primary allegations that minor daughter of the complainant, whose date of birth is 22.11.2006, had gone to a birthday party of the petitioner to Hotel Paramid on the asking of the petitioner who had threatened her and blackmailed her and demanded an



amount of Rs.5000/- from her and that the daughter of the complainant had reached the said Hotel on 17.02.2024 and had given Rs.5000/- to the petitioner and there in the Hotel Paramid, the petitioner mixed some intoxicant material in the cold drink and took the daughter of the complainant in a vehicle to a lonely place and committed wrong activities with her and that she became unconscious and when she became conscious, she was in the vehicle and she was not wearing her upper clothes and that the petitioner had prepared an illicit video of her. The petitioner had applied for anticipatory bail and the Additional Sessions Judge, Fast Track, Special Court, Hisar had dismissed the same on 22.05.2024 by observing that the allegations against the petitioner are serious in nature and at that stage it could not be stated that the allegations were false and that grant of anticipatory bail to the petitioner would impede full, fair and free investigation.

3. Learned State Counsel as well as learned counsel for the complainant have brought to the notice of this Court that the statement of the minor girl has also been recorded under Section 164 Cr.P.C. in which she has reiterated the fact that the petitioner had mixed some intoxicant material in the cold drink of the said minor and had taken her to a lonely place and had committed wrong activities with her and had also prepared an illicit video of her.

4. Learned counsel for the petitioner has argued that the averments made in the complaint are false and highly improbable. It is submitted that the averments made in para 4 to the effect that on 21.01.2024 and on 06.02.2024, an amount of Rs.5000/- each was transferred to the



petitioner by the daughter of the complainant are false as no such money was transferred on the said date and in fact, it is the petitioner who had sent Rs.5000/- to the mother of the complainant on 06.02.2024. It is further submitted that nothing has been stated in the FIR as to on what grounds, the petitioner was blackmailing the daughter of the complainant and what were the compelling reasons for her to go to Hotel Paramid and to pay an amount of Rs.5000/- to the petitioner.

5. Learned counsel for the complainant has, during the course of arguments, referred to account statement of account No.144401000012491 of Saroj Rani which is taken on record and marked as Mark “A” and has highlighted two entries first of 21.01.2024 and second of 06.02.2024, which show the payment from the said account of Rs.5000/- to Paras (petitioner). It is submitted that the girl is a minor and an indecent act has been committed by the petitioner and thus, he does not deserve the concession of anticipatory bail. It is argued that the custodial interrogation of the petitioner is required in order to retrieve the said illicit video so that same could be deleted.

6. This Court has heard learned counsel for the parties and has perused the paper book.

7. The primary allegation against the petitioner is that when the minor daughter of the complainant had gone to Hotel Paramid, then the petitioner had mixed some intoxicant material in the cold drink and had taken her in a vehicle to a lonely place and had committed wrong activities with her and she had become unconscious and thereafter, had made an illicit video of her after removing the clothes from the upper part of her body.

Learned State Counsel has referred to the statement made by the said minor girl under Section 164 Cr.P.C. in which the said allegations, as have been levelled in paras 5 and 6 of the FIR, have been reiterated by her. It is not in dispute that the girl is a minor. The allegations against the petitioner are serious and custodial interrogation of the petitioner is necessary in order to find out as to where the said illicit video has been stored by the petitioner so that the same could be deleted.

8. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is dismissed.

9. However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

18.06.2024
Pawan

(VIKAS BAHL)
JUDGE

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