



Sr. No.236

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

CRA-S-2741-2024

Date of decision: 02nd September 2024

SHANKER SHARMA

.....Appellant

versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Shokeen Singh Verma, Advocate
for the appellant.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended 2018), seeking relief of anticipatory bail to the appellant in FIR No.42 dated 12.06.2024, under Sections 376(2)(a), 376(3), 506 IPC, 1860; Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Women, Bhiwani; by way of setting aside the order dated 30.07.2024, whereby, the petition for grant of anticipatory bail to the appellant was dismissed by the learned Additional Sessions Judge, Bhiwani.

2. Learned counsel for the appellant contends that there is a delay of 04 years in registering the FIR. It is further contended that the appellant is married and having a child and he has categorically denied the offer given by respondent No.2 for solemnizing marriage with her after getting a divorce from his wife. This conversation has been recorded in the video contained in a pen drive (Annexure



on 07.04.2024 and the present FIR has been got registered by the respondent No.2/prosecutrix under the pressure of her husband.

3. Learned State counsel has filed status report dated 30.08.2024, by way of an affidavit of Sh. Anoop Kumar, HPS, Deputy Superintendent of Police, Bhiwani-II, Bhiwani, on behalf of respondent-State of Haryana, which is taken on record.

4. Learned State counsel submits that the appellant has uploaded various messages and photographs of the respondent no.2/prosecutrix on Instagram. During the course of investigation, call detail record of the appellant was obtained and the offence under Section 67-A of the Information Technology Act, 2005 was added. It is further contended that the mobile phone of the prosecutrix was also taken into possession and the same has been sent for FSL examination at Madhuban.

4.1 Referring to the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-1), learned State counsel contends that the prosecutrix came in contact with the appellant, who is a wrestler, in the year 2019. As per the version of the prosecutrix in her statement recorded under Section 164 Cr.P.C. (Annexure R-1), the appellant made physical relationship with her and her photographs and videos were recorded. On the basis of the said photographs and videos, the appellant used to blackmail the prosecutrix. The appellant had been insisting the prosecutrix to continue their relationship even after the marriage of the prosecutrix and upon her refusal, the appellant is alleged to have uploaded her photographs and videos on social media. The medical examination report of the prosecutrix (Annexure R-2) is also appended along with the status report.

5. Mr. Pankaj Attri, Advocate has put in appearance on behalf of respondent No.2 and filed his '*vakalatnama*', which is taken on record. He submits



6. I have heard the learned counsel for the parties and perused the relevant documents.

7. As per the version of the prosecutrix, who is 19 years of age, she started wrestling in Bhim Stadium in the year 2018. In the year 2019, the appellant, who is a Wrestler by profession, opened a gym (*Akhada*) near the house of the prosecutrix. The prosecutrix was 14 years of age at that time and her father got her admitted in the said gym (*Akhada*). The appellant came close to the prosecutrix and he made physical relationship with her in the year 2020 on the pretext of making her a good athlete and procuring medals for her. The appellant repeatedly made physical relationship with the prosecutrix and he shot her videos and took her photographs. As per the version of the prosecutrix, in September 2023, the appellant made physical relationship with her in a hotel at Bhiwani and he used to blackmail and abuse her by making caste-related remarks. The prosecutrix got married on 07.04.2024. However, the appellant continued blackmailing her. The appellant had even sent photographs and wrongful messages to the husband of the prosecutrix on his What'sApp No.0735793091. The appellant used to follow the family members of the prosecutrix on Instagram and upload the photographs and videos of the prosecutrix.

8. As per the statement of the prosecutrix recorded on 13.06.2024, under Section 164 Cr.P.C., she is 19 years of age. She has levelled specific allegations against the appellant. As per the medical examination of the prosecutrix dated 13.06.2024, she has alleged history of repeated sexual assault by the appellant during the period from November 2020 to March 2024 and the last episode of sexual assault is alleged to be of 21.03.2024.

9. Learned State counsel has shown the investigation record reflecting the photographs of the appellant and the prosecutrix uploaded on social media.



10. Keeping in view the facts and circumstances of this case and the fact that even after the marriage of the prosecutrix, who is of tender age, the appellant has allegedly uploaded her photographs and incriminating material on social media, no ground for grant of anticipatory bail to the appellant is made out.
11. No infirmity is found in the impugned order dated 30.07.2024, passed by the Additional Sessions Judge, Bhiwani, refusing the concession of anticipatory bail to the appellant.
12. Consequently, the present appeal, being devoid of merits, is dismissed.
13. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

02nd September 2024
simran

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