

Neutral Citation No. 2024:PHHC:070146

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

270

CRM-M-61117-2023 (O&M)
Date of decision: 17.05.2024

Vishal Rajput

...Petitioner

Versus

U.T., Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sourabh Goel, Advocate
For the petitioner.

Mr. Vipul Jindal, Addl. P. P., U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 0024 dated 01.03.2023, registered under Sections 376, 506 of IPC and Section 4 of the POCSO Act at Police Station Mauli Jagran, Chandigarh.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 01.03.2023, on receipt of a request from Police Station Mauli Jagran, Chandigarh that a minor girl was in the need of counselling; her interaction was done by a counsellor of Women & Child Helpline. During interaction, the victim 'N' (*name withheld*) informed that the petitioner was

Neutral Citation No. 2024:PHHC:070146

his boyfriend, who had clicked pictures with her when they used to meet and then on the basis of those pictures, he started coercing her to send nude pictures or otherwise threatening her to send her pictures to her father. In this manner, he forced her to send her objectionable pictures to him but the petitioner then started raising demand for a sum of Rs. 1 Lakh and otherwise to send the objectionable pictures of the victim to her neighbours. She alleged that in April, 2022, the petitioner had taken her to his room and after removing her clothing had ravished her and also took her nude pictures at that time. She further alleged that subsequently, she came to know from some neighbours that on 27.02.2023, he had started making her pictures viral and sharing the same with her neighbours. She alleged that she was still being forced by the petitioner to meet him and to bring money and that is why she had approached Anti Human Trafficking Unit for help. After interacting with the victim, report was sent to the police station, on the basis of which, the aforementioned FIR was registered and investigation proceedings were initiated. The victim was medically examined. Her statements under Sections 161 and 164 of Cr.P.C. were recorded. The petitioner was arrested on 01.03.2023. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 25.10.2023.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this

Neutral Citation No. 2024:PHHC:070146

case. The victim has since been examined. The trial is likely to take time. The petitioner has a permanent abode. There are no chances of his absconding. The victim admitted that she used to have conversation with the petitioner on Whatsapp and also used to send photographs to him and, therefore, it could not be stated to be a case of forcing her to send her photographs. Therefore, it is argued that the petition deserves to be allowed.

4. *Per contra*, learned Additional Public Prosecutor for Chandigarh has argued that there are serious and specific allegations against the petitioner. CFSL report has been received, as per which, multiple semi-nude pictures of the victim have been recovered from the mobile of the petitioner. The trial is being conducted at a fast pace. The prosecutrix has fully supported the version of the prosecution in her sworn deposition as recorded before the trial Court. As such, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

6. The petitioner, who was admittedly the boyfriend of the victim, is alleged to have clicked photographs of both of them while they were together and subsequently by extending threats to her to send those photographs to her father, he is alleged to have started sexually harassing her and also committed act of penetrative sexual assault upon her in April, 2022. He is also alleged to have started blackmailing her by raising demand of money and as per further allegations, he had started making her objectionable photos viral by sending them to her neighbours and friends. The allegations against the petitioner are quite serious in nature. The trial is going on at a proper pace and there is

Neutral Citation No. 2024:PHHC:070146

nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the gravity of allegations as levelled against the petitioner, the sentence which the conviction may entail and the attendant facts and circumstances of the case, I find no reason to allow the petition. Accordingly, the same is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

17.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

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