



CRM-M-3584-2025

213

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3584-2025
Decided on : 06.03.2025

Chirag Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Ms. Apoorva Thakral, Advocate and
Mr. Shivam Bhardwaj, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

Mr. Nafeesh Ahmed, Advocate
for the complainant

KIRTI SINGH, J. (Oral)

1. This is the first petition filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.364 dated 26.12.2024 under Sections 70(1), 71 and 351(2) of BNS, 2023 and Section 66 of Information Technology Act, registered at Police Station Sohana, District SAS Nagar, Punjab.

2. The contents of the above-mentioned FIR are reproduced herein below:-

“Statement of Pooja Singh D/o Deepak Kumar, R/o #165 Sector-1. Jagriti Vihar, Meerut, Mobile No., Age 22 years, Statement read as "I am the resident of the above-mentioned address, and pursuing MBA II from Chandigarh University, Mohali. In 10th Class I used take tuition from tuition centre (Meerut), one Chirag Sharma S/o Praveen Sharma, R/o 281 Jagriti Vihar, Meerut used to study tuition and he lives near our house.



He used to keep an eye (bad one) on me, and used to follow me, when I completed +2 studies in 2019, I stopped going to tuition and then we did not have any contact.

After completing my [B.COM](#) from Meerut, I started studying MBA from Chandigarh University Mohali. In March 2023 I got a WhatsApp call from 6397101144, it was Chirag. He asked me how I was and a conversation started he asked me for my PG address Sector-12 Garden Colony, Kharar started coming there. One day he told me I will take you around and show me his PG which was at Blue Café PG Landran Road, Mohali. He asked me to eat food and I refused, then he forced me to eat after which I started to get dizzy. I told chirag I was Dizzy, he told me to lie down on the bed and I will be fine, so I went to lay down after which my condition deteriorated. After that chirag came near me and started touching me. I was aware of this happening but I didn't have the strength to oppose and stop him. After which I fainted and when I got up, I had my clothes on but my vaginal area was painning heavily and also I had marks on my whole body. When I told Chirag that you have not done good to me, he threatened me that I have made your videos, if you talk about this to anyone, I will make your nude/obscene video viral and kill you and your mother father and nobody will even know. After which again on 25 March 2023 he invited me to Chawla Hotel Landra Road Mohali where two other friends Akash Mishra and Divyansu brought food, we had food, they gave me a vegetable to eat and all three of them had food separately. Then again I started feeling dizzy and blurred vision. Then they took me to the bed but I felt 2-3 people touch me.

But I was unable to stop them. I regain my consciousness, and when I confronted chirag again, he started again blackmailing and threatening me and said I will do like this only. I got your more videos and now you have to do everything and if you don't do what I say, it won't be good for you. Chirag used to take me time and again to different hotels and sometimes in his PG where Chirag and his friends, Akash Mishra, Divyanshu, Akash Gupta, Ridham Mahajan used to make me drink cold drink or eat food which was spiked with some narcotic drug and then used to have non-consensual relations with me.



CRM-M-3584-2025

They used make nude videos of me. When I used to refuse to accompany them they blackmailed and threatened me that they will make my videos viral.

Therefore in order save face and from fear of humiliation I used to go wherever they called me and they also used to pick me up from my PG and take my phone and threatened me that if I told this to anyone, it won't be good for me and my family. One day, Ridham Mahajan sent a sticker of my nude video on WhatsApp, which he made on snapchat. On 19-12-2024, at around 12 at night and on 20-12-2024, at around 6 in the evening, Chirag came to my PG with his friend, and asked his friend to stay down and he himself came inside my PG and again made sexual relations with me without my consent. He also sent my one obscene video to my brother, Sachin Kumar Singh. Then on 21-12-2024, I went to my village and told everything to my mother Sonu. Then my mother and my brother took me to the police station, sohana, where I gave my statement against Chirag Sharma, r/o #271, Sector 8, Jagriti Vihar, Meerut and his friends, Ridham Mahajan r/o Jammu, Akash Mishra r/o Delhi, Divyanshu r/o Mathura, and Akash Gupta r/o Jammu for forceful sexual relations, taking my videos and leaking it and threatening and blackmailing me. Appropriate action shall be taken against them and justice shall be given to me. I heard my statement and it is true. I am also submitting a pendrive containing the videos. Investigation should be conducted against them. SD/- Pooja Singh, said verified statement true Sonu (Hindi) Sonu wife Deepak Kumar # 165/1, Sector-1, Jagriti Vihar Meerut (Mother) Verification Sd/-Amanjot Kaur Insp., Insp, Amanjot Kaur P.S Sohana Dist S.A.S Nagar Dt:- 26/12/2024.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case. She submits that the petitioner and the complainant were acquainted with each other since 2017 and it was later that they began frequently talking to each other and subsequently entered into a consensual relationship in February, 2024. She further contends that the complainant had



CRM-M-3584-2025

infact been threatening the petitioner to implicate him in a false criminal proceeding, in case he refused to marry her.

4. *Per contra*, learned State counsel, while referring to the reply dated 31.01.2025, submits that there are serious and specific allegations levelled against the petitioner, of blackmailing and threatening the prosecutrix. He vehemently contends that during investigation it had come forward that the petitioner, as alleged by the complainant in the FIR, had even sent the objectionable video of the prosecutrix to her brother Sachin Kumar Singh, on his social media account (Snapchat). He further states that as per the statement of the prosecutrix under Section 183 BNSS, there is apprehension that the petitioner might have shared the videos with co-accused and other persons. It is submitted that custodial interrogation of the petitioner is required to recover the objectionable content from his mobile phone and/or any other device through which the said content was recorded and circulated, as the case may be, for which his arrest warrants had already been obtained for 20.02.2025. Therefore, in view of the seriousness of the allegations so made against the petitioner, he does not deserve the concession of anticipatory bail.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In



CRM-M-3584-2025

*other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

7. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences,



CRM-M-3584-2025

8. In *Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694* rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon'ble Supreme Court advocated the need to balance individual personal liberty with societal interest and laid down certain factors which should be considered while granting the discretionary relief of anticipatory bail:-

122. The following factors and parameters can be taken into consideration while dealing with the **anticipatory** bail :

“i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

iii. The possibility of the applicant to flee from justice;

iv. The possibility of the accused's likelihood to repeat similar or the other offences.

v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.

vii. The courts must evaluate the entire available material against the accused very carefully. The Court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;

viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no



CRM-M-3584-2025

prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.

123. The arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of that case.

124. The court must carefully examine the entire available record and particularly the allegations which have been directly attributed to the accused and these allegations are corroborated by other material and circumstances on record.”

9. It has been brought to notice of this Court that the petitioner is evading his arrest and warrants of arrest have also been issued against him. There is also material on record indicating that the accused deliberately transmitted objectionable videos of the prosecutrix to her brother, in an attempt to cause her mental stress and reputational harm. Such an action not only constitute serious invasion or privacy but also showcases a deliberate attempt to harass and intimidate the victim and his family. Trite to say that power to grant anticipatory bail is a discretionary relief intended to protect individuals from unwarranted detention and is not a blanket entitlement which can be given as a general rule.



CRM-M-3584-2025

10. Thus, as an upshot of the foregoing discussion keeping in view the gravity of the allegations against the accused, no ground is made out to extend the benefit of anticipatory bail to the accused-petitioner.
11. The petition is dismissed.
12. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
13. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

March 06, 2025
reena

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