



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

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CRM-M-44681-2025

Date of decision : 23.09.2025

Rohit

....Petitioner

V/S

State of Punjab

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Abhimanyu Batra, Advocate for the petitioner.

Mr. Hemant Aggarwal, D.A.G., Punjab.

Mr. Navraj Singh, Advocate for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS) seeking anticipatory bail in case FIR No.37 dated 12.05.2025 registered under Sections 376 & 509 of Bharatiya Nyaya Sanhita, 2023 and Section 67-A of Information Technology Act, 2008 at Women Police Station, District Police Commissionerate Jalandhar.

2. Status report by way of an affidavit of Sh. Sanjay Kumar, PPS, Assistant Commissioner of Police, NDPS/PBI-cum-CAW & Children, Jalandhar, on behalf of the respondent-State, filed in the Registry is taken on record.

3. Brief facts of the case are that on 14.01.2025, the prosecutrix moved a complaint to the Commissioner of Police, Jalandhar levelling allegations against Rohit (the present petitioner) that she had friendly relationship with the petitioner prior to her marriage



but she was not having physical relations with him. During friendship, the petitioner had asked for her photographs and she had sent her photographs on mobile phone of the petitioner. Thereafter, she got married in the year 2020 and was not in contact with the petitioner in any manner. After a period of one and a half years of her marriage, the petitioner obtained her mobile number from someone and tried to talk to her. When she refused to meet him or talk to him, he threatened her that he would create obscene images from the photos he had and defame her. Thereafter, the petitioner created her obscene photographs and by threatening to circulate the same, he committed rape upon her several times at various places. Even he has intimidated her and extorted lakhs of rupees from her. On 03.01.2025, the petitioner threatened her and called her to Amrtisar. From Amritsar Bus Stand he forcibly took her to a hotel, where he tried to make physical relations with her and when she refused, he assaulted her and snatched her mobile phone. Thereafter, the petitioner has created fake WhatsApp group in the name of prosecutrix on 05.01.2025 and circulated edited obscene photographs of the prosecutrix in the group. On the basis of the said complaint, the instant FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the relationship between the petitioner and the prosecutrix was consensual in nature, however, around January, 2025, certain differences arose between them on account of financial demands raised by the prosecutrix. The prosecutrix threatened the petitioner to implicate him in a false case of rape unless he paid a sum of



Rs.15,00,000/- to her. This dispute culminated in a complaint lodged by the prosecutrix on 14.01.2025 before the Police, however, no FIR was registered at that time and the matter was taken to the local village Panchayat for settlement. The prosecutrix's family exerted pressure upon the petitioner's family and his uncle (Chaha) to tender a public apology on behalf of the petitioner. In order to settle the dispute, the father and uncle of the petitioner tendered unconditional apology in front of the whole village Panchayat and uncle of the prosecutrix had recorded a video of the apology tendered by the father and uncle of the petitioner. The family members of the prosecutrix have raised a demand of Rs.15,00,000/- from the family of the petitioner. Due to humiliation and financial demands of the prosecutrix's family, uncle of the petitioner has committed suicide on 08.02.2025. A suicide note was also recovered, wherein the uncle of the petitioner has pointed towards the harassment meted out by the prosecutrix and her family. Consequently, FIR No.13 dated 19.02.2025 under Sections 108 & 3(5) of BNS at Police Station Division No.1, Jalandhar was registered against the prosecutrix and her family members for offences relating to abetment to suicide. Counterblast to the said FIR, the instant FIR was registered on 12.05.2025 against the petitioner after a period of about four months from the date of complaint given by the prosecutrix i.e. 14.01.2025.

5. Learned counsel for the petitioner further submits that the petitioner is not involved in any other case. He also submits that no recovery is to be effected from the petitioner and he is ready to join the investigation. Therefore, the petitioner may be granted anticipatory bail.



6. Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. The petitioner has blackmailed the prosecutrix that he will viral her edited obscene photographs on social media and on that pretext he committed rape upon her several times. He has also extorted money from her and snatched her phone. He further submits that custodial interrogation of the petitioner is necessary for thorough investigation of the case and for the recovery of mobile phone of the prosecutrix which is in possession of the petitioner, therefore, he does not deserve the concession of anticipatory bail.

7. I have heard learned counsel for the parties and perused the record.

8. As per the prosecution, the prosecutrix had friendly relations with the petitioner prior to her marriage and at that time she had sent her photographs in the mobile phone of the petitioner. However, after her marriage in the year 2020, the prosecutrix discontinued all contacts and friendship with the petitioner. After a period of one and a half years of her marriage, the petitioner obtained her mobile number from someone and tried to talk to her. When she refused to meet him or talk to him, the petitioner had created her obscene photographs and started blackmailing her. He had committed rape upon her several times at various places. The petitioner had also extorted money from her and snatched her mobile phone. On 05.01.2025, the petitioner had created a WhatsApp group in the name of



the prosecutrix and circulated edited obscene photographs of the prosecutrix in the said WhatsApp group. The complaint made by the prosecutrix was investigated by the Additional Deputy Commissioner of Police (Investigation), Jalandhar, who, after recording the statement of the prosecutrix, submitted his report dated 29.03.2025 before Commissioner of Police, Jalandhar that prima facie case is made out against the petitioner for committing offences under Sections 376 & 509 of IPC and Section 67-A of IT Act. Thereafter, on 12.05.2025, Commissioner of Police, Jalandhar directed the SHO, Women Cell to register the case against the petitioner.

9. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma : (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the BNSS) is somewhat extraordinary in character and it is to be exercised only in exceptional cases, where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty. Also in determining the parameters in granting anticipatory bail in cases of serious offences, the Hon'ble Supreme Court in ***Bhadresh Bipinbhai Seth v. State of Gujarat and another, (2016)1 SCC 152*** after analysing the entire law has observed as under: -

“23. xx xx xx xx xx

(a) *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*

(b) *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;

(c) The possibility of the applicant to flee from justice;

(d) The possibility of the accused's likelihood to repeat similar or other offences;

(e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) 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 the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the prosecutrix;

(j) 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. xx xx xx”



10. The allegations against the petitioner are serious in nature as the petitioner has committed rape upon the prosecutrix at various places by blackmailing her to viral her objectionable photographs and thereafter, he created a fake WhatsApp group in the name of the prosecutrix and circulated her edited obscene photographs in the said group. Even in her statement recorded under Section 183 of BNSS, the prosecutrix reiterated the allegations as levelled against the petitioner in her complaint dated 14.01.2025. Recovery of the mobile phone of the prosecutrix is yet to be made from the petitioner. Curtailing his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect the witnesses at this stage. Reliance can be placed upon the dictum of the Hon'ble Supreme Court in ***Prem Shankar Prasad Vs. The State of Bihar and another : 2021(4) RCR (Crl.) 598*** and ***Anil Kumar Singh Vs. High Court of Judicature at Patna through its Registrar General and another : (2020)19 Supreme Court Cases 364***, wherein the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

11. So far as the argument raised by learned counsel for the petitioner that the instant FIR is counterblast to the FIR No.13 dated 19.02.2025 lodged by the petitioner against the prosecutrix and her family members is concerned, the instant FIR No.37 dated 12.05.2025 was registered on the basis of the inquiry conducted by the Additional Deputy Commissioner of Police, Jalandhar on the complaint dated 14.01.2025 which was submitted by the prosecutrix more than one month prior to registration of FIR No.13 dated 19.02.2025.



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12. No other point has been argued.

13. In view of the facts and circumstances of the case, I am of the considered view that the petitioner cannot *prima facie* be said to have been falsely enroped in the crime as the prosecutrix has made specific allegations against the petitioner in her complaint dated 14.01.2025 and thereafter, in her statement recorded under Section 183 of BNSS, she has reiterated the allegations levelled in the abovesaid complaint. The petitioner committed rape upon the prosecutrix many times and outraged her modesty by creating fake WhatsApp group in the name of the prosecutrix and by circulating her edited obscene photographs in the said WhatsApp group. Therefore, custodial interrogation of the petitioner is necessary for thorough investigation of the case and for recovery of mobile phone of the prosecutrix and there is a likelihood that the petitioner may abscond and misuse his liberty. Thus, he does not deserve the concession of anticipatory bail.

14. Consequently, the instant petition is dismissed.

15. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

23.09.2025

*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No