



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-25402-2026

Date of Decision : 22.06.2026

HARDEEP SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Kulbir Singh Sekhon, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, an accused in case bearing FIR No.64 dated 07.03.2026, registered against him at Police Station Phillaur, District Jalandhar, for the commission of offences punishable u/s 77, 351(2), 351(3) of BNS, Sections 12, 15 of Protection of Children from Sexual Offences Act (Amended) and Sections 67, 67(A) of Information Technology Act, 2000.

2. Facts necessary for disposal of this petition have been taken from para 4 of the Status Report dated 18.06.2026 filed by way of affidavit of Mr. Bharat Masih Ladhar, Deputy Superintendent of Police, Sub-Division Phillaur, Jalandhar (Rural). The same are reproduced hereunder:-

“That FIR No. 64 dated 07.03.2026 U/s 77, 351(2), 351(3) of BNS, Section 12, 15 of POCSO and Section 67, 67(A) of Information Technology Act was registered at Police Station: Phillaur, Jalandhar (Rural) on the basis of a statement suffered by complainant Jaswinder (son of Hasn Raj) wherein he stated the following:



- i. *The complainant works as an electrician and he has three children - two boys and one girl.*
- ii. *The complainant's daughter (hereinafter referred to as "prosecutrix") is aged 16 years and she is studying in 9th standard.*
- iii. *On 02.02.2026/03.02.2026, the complainant came to know from his neighbors that nude video of prosecutrix have been made viral on social media by an unknown person.*
- iv. *On 09.02.2026 and 04.03.2026 again, the nude video of prosecutrix were made viral on social media by an unknown person through his ID.*
- v. *Upon enquiry, the complainant came to know that it is the petitioner who is putting nude video of the prosecutrix on social media.*
- vi. *When the complainant asked the prosecutrix about the same, she told the complainant that petitioner has been threatening her for the last few days that he would make her nude video viral.*
- vii. *Lastly, the complainant stated that the petitioner has defamed them in the society by making offensive and nude videos of prosecutrix viral on social media/Instagram."*

On the basis of the said complaint, a formal case vide FIR No.64 dated 07.03.2026, u/s 77, 351(2), 351(3) of BNS, Sections 12, 15 of Protection of Children from Sexual Offences Act (Amended) and Sections 67, 67(A) of Information Technology Act, 2000, was registered against petitioner.

Pursuant thereto, complainant handed over a *pendrive* containing the *nude video* of victim (his daughter), which was taken into possession by the police authorities.

It further emerges from the documents on record that victim's mobile phone from which nude video was shot and was sent to the accused-petitioner was handed over by victim's father during the course of investigation, the same had been got repaired by him as he had broken it in the rage of anger. The said phone was taken into police possession and sent to the Cyber Cell, Jalandhar for analysis. As per analysis report, the data could not be retrieved as either it had



been deleted or reformatted. Following this, the phone was sent to FSL Mohali, the report is still awaited.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail. The same was dismissed by the learned Sessions Judge-cum-Fast Track Special Court (POCSO), Jalandhar, in terms of order dated 29.04.2026. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, a young boy aged about 21 years with no past antecedents, has been falsely implicated in the present case by the father of victim, who wanted to settle scores with the young boy and his family members.

Continuing further, learned counsel contends that in fact, the sequence of events did not unfold in the manner as portrayed in the complaint. The young girl i.e. complainant's daughter and petitioner were emotionally attached and were fond of each other. They had been in constant touch through telephone and had also been exchanging letters wherein they had expressed their desire to live together. Somehow, the family of the victim got a *whiff* of it and tried to amicably resolve the dispute by convening a Panchayat at the house of Sarpanch of village. Both the complainant and the family members of the petitioner were present, and it was agreed that the elders would counsel the young kids and instill a sense of responsibility in them. It was further agreed that neither victim nor petitioner would remain in touch with each other. However, despite giving assurances, complainant's daughter continued her relationship with petitioner, who naturally reciprocated.

In the factual backdrop of the case, learned counsel contends that delay of 03 days in lodging the FIR itself raises a question mark on the



genuineness of the story put forth by the complainant. It is next the submission of learned counsel that though allegation has been levelled that petitioner deliberately uploaded objectionable videos of the daughter of the complainant on a social networking 'App' (Instagram), but there is no document in support thereof. As of now, there is no scientific/technical report (in the wake of report from FSL Mohali still awaited) to suggest that petitioner was the person who had uploaded videos on the said App.

Towards the end, learned counsel contends that custodial interrogation of the petitioner is not required as he has already handed over his mobile phone to the Investigating Officer. Even the phone of the victim, as noted hereinabove, has also been sent to the FSL. Nonetheless, he is ready and willing to join the investigation as and when called for by the Investigating Officer.

5. *Per contra*, while referring to the latest Status Report dated 18.06.2026 filed by way of affidavit of Mr. Bharat Masih Ladhar, Deputy Superintendent of Police, Sub-Division Phillaur, Jalandhar (Rural), learned State counsel opposes the request for grant of pre-arrest bail on the ground that petitioner played a havoc with the emotions of the daughter of complainant, a young girl less than 18 years of age. He exploited her and played with her emotions. It was on his insistence that she became physically intimate with him. The girl was so taken in by the charms of the petitioner that she committed the folly of sending objectionable videos of her to petitioner.

It is not the case of the prosecution that the victim was maintaining friendship with several other persons/boys of the area, who might also had an access to those videos. She was only emotionally attached to the petitioner and in one such weak intimate moment, acted totally irresponsibly and herself send these



videos. Even in her statement u/s 164 Cr.P.C. (now Section 183 BNSS), she reiterated this stance and also stated that petitioner threatened her to abide by his dictates as also had made it clear that in case she does not obey him, he would upload those objectionable videos.

During the course of investigation also, it stands revealed that petitioner was the only person to whom victim had sent the videos. In fact, the password of her mobile phone was also known to him (P) only and as per learned State counsel, probably the said password has been misused by the petitioner to log into her account and to upload those objectionable videos from her own account.

Investigation being at the nascent stage, custodial interrogation of petitioner is needed to unearth true facts as also to recover his mobile phone, (which as per the specific stand of the IO has till date not been handed over to him). In the light of seriousness and gravity of allegations levelled against petitioner, who intentionally uploaded the objectionable videos of victim repeatedly, as per learned State counsel, no case for grant of this extra ordinary relief of pre-arrest bail is made out. Dismissal of the petition was prayed for.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791), has observed as under:-



“67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

Hon’ble the Supreme Court while deciding the case titled as “Ms. X Vs. The State of Maharashtra and another”, (2023 SCC Online SC 279) held as under:-

“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

12. In Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another), a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is



equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*

In “***Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another***” (2025 AIR SC 3375), the Hon’ble Supreme Court held that “*Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.*”

It is equally well settled that in many cases though the custodial interrogation of the accused may not be required but that by itself does not entitle him to concession of pre arrest bail. The Court has to consider the *prima facie* case against him, the nature of offence, the severity of the punishment etc.

Reverting back to the case in hand, factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. It was only when complainant came to know from his neighbours that nude video of his daughter has been made viral on social media, he enquired into the facts, when his daughter disclosed that petitioner who was initially on friendly terms with her brother i.e. son of the complainant, had started talking to her. They were exchanging love letters. It was on his (Petitioner’s) insistence that she sent a nude video of her to him. Later, when she realised the folly committed by her, she requested him (P) not to make the video viral, but he (P) took her Instagram Id



and password from her and by misusing the same, send the video to her brother. Even though, when the Panchayat was convened, it was agreed that petitioner would behave himself but he continued harassing her. The family was put to shame when again her objectionable video was uploaded. All these facts were elaborated upon by the minor victim in her statement u/s 164 Cr.P.C./183 BNSS.

Agreeing with the submissions raised by learned State counsel, it is not the case that minor victim was on friendly terms with the other boys of the area and had sent her objectionable video to them, who thus also had an access to the same and had probably uploaded the same. The video had been only sent to the petitioner, who knew about the Instagram ID and password of the victim.

Thus, in view of the role played by the petitioner, who betrayed the trust of the minor girl and played with her emotions, as also threatened her, this Court is of the opinion that the petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail. Investigation being at nascent stage, if the relief sought for is extended to petitioner, the likelihood of him interfering with the investigation and influencing the prosecution witnesses cannot be ruled out. In the light of seriousness and gravity of allegations levelled, no case for grant of pre arrest bail is made out. Further, the custodial interrogation of petitioner is also needed to recover his mobile phone, which as per the learned State counsel has till date not being taken into possession by the IO.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

22.06.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No