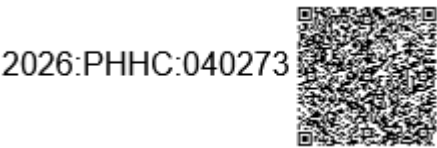


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-52042-2025 (O&M)

Harish Kumar

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

1.	The date when the judgment is reserved	12.03.2026
2.	The date when the judgment is pronounced	16.03.2026
3.	The date when the judgment is uploaded on the website	16.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ram Kumar Chauahan, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh.

Ms. Naseem A. Sheikh, Advocate for the complainant.

None for the victim.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the

petitioner seeking grant of anticipatory bail in case arising out of FIR No.58, dated 14.05.2025, registered under Sections 292, 384 and 506 IPC and Section 67 of the Information and Technology Act, 2000, at Police Station Cyber Crime, District Chandigarh.

2. As per the allegations, on 25.11.2023, complainant – Sandeep Arora had received a video on his whatsapp from Mobile No.98788-87700, in which one male and female were shown to be engaged in sexual activity. The complainant had made a call on the number from which the said video had been received and the caller told him that his name was Sunny Rana and the female shown in the video was his wife 'A' (name withheld) and also proclaimed that he was having several other videos of similar kind and also asked the complainant to give an amount of Rs.5 lakhs, otherwise he would make those videos viral. The complainant alleged that divorce proceedings between his wife and himself were pending in the Court and made a prayer for taking action in the matter.

3. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Sessions Judge, Chandigarh vide order dated 02.09.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 01 year and 06 months in lodging of the FIR. The ingredients for commission of subject offences are not at all attracted qua him. There was no allegation of any demand of extortion and ransom money from the complainant. The petitioner is a semi

literate person and even does not know how to upload a video. The complainant in order to create evidence against his own wife, has falsely implicated the petitioner. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that he deserves to be extended the benefit of pre-arrest bail.

5. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner are quite serious in nature. The objectionable video has been received from his phone. For the purpose of conducting a thorough and proper investigation into the matter, for eliciting information as to the manner in which the subject offence was committed and for recovery of the device/mobile phone of the petitioner for the purpose of forensic examination, his custodial interrogation is required. There is no extraordinary or exceptional circumstance to exercise powers for grant of pre-arrest bail is made out. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have sent a sexual explicit video to the complainant and is further alleged to have made a demand of an amount of Rs.5 lakhs by proclaiming that the said video was of the wife of the complainant and he would make some more videos viral. To elicit information as to the manner in which the subject offence had been committed by the petitioner as well as for the purpose of conducting deeper and thorough probe, custodial interrogation of the petitioner is must. It is

well settled proposition of law that powers for grant of anticipatory bail should be exercised in exceptional and extraordinary circumstances and not in routine manner. No such circumstance, however, has been made out in this case. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

16.03.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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