

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

CRM-M No.41068 of 2023 (O&M)
DATE OF DECISION : 07.11.2023

Mangat Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jitender Singh Dadwal, Advocate for the petitioner

Mr. Adhiraj Singh Thind, AAG Punjab

Mr. Birinder Pal, Advocate for the complainant

ALKA SARIN, J. (Oral):

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0057 dated 02.06.2023 under Section 506 of the Indian Penal Code, 1860 (IPC) and Section 66 of the Information Technology Act, 2000 (IT Act) and later on added Section 376 IPC and Sections 66E and 67 of the IT Act registered at Police Station Sadar Batala, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner would contend that a false case has been planted upon the petitioner as the petitioner is serving in the

Army and was posted at Keran Sector, Indo-Pak border in the months of June-July 2022 where no mobile phone was working nor was there any internet facility at that place. The learned counsel would further contend that phone number in the Instagram ID cannot be changed as the OTP would go to the person concerned and without the OTP no changes can be made.

3. The learned counsel for the complainant has stated that the petitioner was through-out posted at Gurdaspur and has been harassing the victim and her husband. Infact, even during the pendency of the present petition the harassment did not stop and the petitioner has even been threatening the victim's in-laws.

4. The learned counsel for the State has referred to the status-report filed by way of affidavit of Sarvanjit Singh, PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala wherein it has been stated that after the registration of the case the Investigating Officer had sent a request letter to the Commanding Officer, 19 Sikh Battalion, C/o Brigade Commander, 15 Core, 268 Brd. Pharkiyan, HQ, Gogaldhar, Distt. Kapuwara (J&K) with a request for joining the investigation of the case by the Sepoy Mangat Singh No.19013480Y as per Army Rules but he did not join the investigation and infact even the Commanding Officer did not respond. Along with status-report the details of the IP addresses from which the Instagram Account of the victim was being used have been given. All the said IP addresses pertain to Gurdaspur. The learned counsel for the State has further pointed out that as per the communication received from Instagram, the phone number on the Instagram Account was changed from +917973808301 belonging to the

victim to a new phone number being +917009201046 belonging to the present petitioner. In the status-report the document showing the phone number +917009201046 being registered in the name of the petitioner has also been attached. The said phone number was activated on 26.09.2017. The learned counsel for the State has further pointed out that there were other Instagram handles which have been used to harass the victim and her husband and on investigation it was found that the same were being used by one Gopal Singh who is none other than a friend of the petitioner and his statement to that effect was also got recorded. The learned counsel for the State has further pointed out, and as also noticed in the order dated 19.09.2023, that during the pendency of the present case it was brought to the notice of the Court that despite repeated notices sent to the petitioner to join investigation he was not coming forward nor his Commanding Officer was responding to the intimation which was sent to join investigation. It has further been noticed in the order dated 19.09.2023 that the counsel for the State had stated that the petitioner was present at Gurdaspur at the time of the incident. In the order dated 29.09.2023 it has been noticed that the counsel for the State, on instructions from SI-Ranjit Singh, submitted that the petitioner was on the run and as per the communication received from the Commanding Officer he had not even reported for duty since 12.09.2023 and hence proceedings for declaring him a Deserter had been initiated.

5. I have heard the learned counsel.

6. The FIR in the present case was lodged by the father of the victim wherein it was stated that the marriage of the victim was solemnized about four months prior to the lodging of the FIR on 02.06.2023. It was

further alleged in the FIR that the petitioner, who was serving in the Army, used to harass his daughter even before marriage and now after marriage also he was harassing her. He had hacked her Instagram ID and uploaded obscene messages and photos of hers and that he was also uploading obscene messages and photos on the Instagram ID of his son-in-law. He also threatened the son-in-law that he should get a divorce from the victim and that he would not let the two of them live together. During the pendency of the present petition the counsel for the State had brought to the notice of the Court that the petitioner had not joined the investigation despite being asked to do so numerous times nor was the Commanding Officer responding. Subsequently, intimation was received from the Commanding Officer stating that the petitioner had not reported for duty since 12.09.2023 and hence proceedings for declaring him a Deserter had been initiated. The petitioner though has categorically stated that he was posted at Keran Sector, Indo-Pak border in the months of June-July 2022, however, as per the information received by the learned counsel for the State, the petitioner was posted at Gurdaspur and even at the time of the alleged incident he remained posted at Gurdaspur. The intimation that Deserter proceedings have been initiated against the petitioner has also been received from the Commanding Officer at Gurdaspur and that he has still not re-joined his duty. The details of the IP addresses from where the logins into the Instagram Accounts were made have been appended with the status-report which reveal that the Instagram Account was being operated from Gurdaspur. The victim and her husband were also being harassed by a friend of the petitioner namely Gopal Singh using various Instagram IDs. His statement also stands recorded by the

police wherein he has admitted that he was doing the same at the asking of the petitioner.

7. The petitioner has continuously been harassing the victim and her husband and is continuing to do so even during the pendency of this petition. In view of the conduct of the petitioner, this Court does not find this to be a fit case for grant of anticipatory bail. The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

07.11.2023
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(ALKA SARIN)
JUDGE

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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