

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No:19982 of 2015
Date of decision:18.06.2015

Harpreet Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Navjinder Singh Sidhu, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J(ORAL)

The petitioner has prayed for pre-arrest bail in a case registered vide FIR No. 40 dated 19.05.2015 under Section 67/67-A of Information Technology Act 2000 read with Section 294 IPC at Police Station Sadar Gurdaspur.

The FIR was registered by Kiranjit Kaur alleging that some unknown person is sending objectional messages on her facebook using the name of "Brown Munda" and is also advancing threats to physically harm her. The petitioner filed an application for anticipatory bail before the Court below, which was dismissed on 09.06.2015 observing that the petitioner has been sending obscene sexual messages to the respondent on her facebook ID which was diciphered from the print out of the chat and detail of using mobile phone. It is also observed that contents of the conversation does not show that the complainant has ever proposed or allured the petitioner to send such messages.

During the course of hearing, learned counsel for the petitioner has submitted that the petitioner is a young boy whereas the complainant is his divorced mami (mothers brothers wife). He has also submitted that he is

entitled for pre-arrest bail as per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

I have heard learned counsel for the petitioner and after examining the record am of the considered opinion that had the petitioner been arrested then being a person below the age of majority, he could have been claimed the benefit of juvenile justice (Care and Protection Act), 2000 but the petitioner is claiming pre-arrest bail. On the perusal of the allegations against the petitioner and keeping in view the rising trend of such type offences in the society where the accused try to cover themselves under a fake identity and send obscene messages to the ladies/girls, I do not find that the petitioner deserve to the concession of anticipatory bail. Accordingly, the present application is hereby dismissed.

18.06.2015
rimpal

(RAKESH KUMAR JAIN)
JUDGE