

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

**Crl. Misc. No. M-2116 of 2017
Date of Decision : October 04,2017**

Kirpal SinghPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. J.S.Jaidka, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sanjeev Kumar Bawa, Advocate
for the complainant.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in FIR No.05 dated 25.04.2015 under Sections 376, 506 IPC and Section 67-A of the Information Technology Act,2000 registered at Police Station Dharamsala, District Kangra, Himachal Pradesh.

As per the allegations in the FIR the complainant was living with her husband at Ludhiana since the year 2005. The petitioner is alleged to be working as a Helper with her husband who is a Carpenter. The complainant's husband left the country in the year 2012 in connection with his work. It is stated that the petitioner being a Helper of the complainant's husband used to visit their house. He administered some intoxicants to the complainant and violated her person on numerous occasions of which it is

alleged she has no knowledge. It is further mentioned that the complainant's husband having come to India for a while, again left the country on 06.04.2015. The petitioner asked the complainant to solemnize marriage with him. On her refusal, he showed an obscene film of the complainant prepared by him to her relatives. She was called by the said relatives and subjected to numerous queries. The petitioner is thereafter alleged to have demanded ₹90,000/- from the complainant while threatening to upload the said video on the internet and to kill her children. Abovesaid FIR was thereafter lodged against the petitioner.

Learned counsel for the petitioner contends that there was a monetary dispute between the petitioner and the complainant's husband. The petitioner is merely 26 years old and there is no question of him asking the complainant, who is about 45 years old, to marry him. It is submitted that the petitioner has been falsely implicated due to the monetary dispute as above. Moreover, the petitioner has joined investigation pursuant to order dated 30.01.2017 passed by this Court. Therefore, this petition be allowed.

It is recorded by this Court on 09.08.2017 that the petitioner joined investigation pursuant to interim order dated 30.01.2017 passed by this Court and learned counsel for the State, on instructions from HC Balraj Kumar, had informed that the petitioner's custodial interrogation is not required. The matter was adjourned on request of learned counsel for the complainant.

Learned counsel for the complainant submits that the mobile phone used by the petitioner has not been recovered. It is, however, not denied by the learned counsel that none of the relatives etc. before whom the obscene clippings were allegedly displayed, have been named by the

complainant. It is verified by learned counsel for the State, on instructions from HC Rajinder Kumar Police Station Dharamsala, District Kangra, that the petitioner is not involved in any other criminal case. There is no allegation that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 30.01.2017 is made absolute.

It is reiterated that none of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

04.10.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No