

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-12055 of 2018
Date of Decision: 05.4.2018

Sudhir Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S.Mamli, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana
assisted by DSP Gajender Kumar and
Head Constable Naresh Kumar.

Mr. Neeraj Yadav, Advocate
for the complainant.

ANITA CHAUDHRY, J

Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 22 dated 28.2.2008, registered under Sections 386, 450, 376, 506 IPC, Section 3 of S.C. and S.T. Act and Section 67-A of I.T. Act, Police Station Women Police Station Rewari, District Rewari (Haryana).

Counsel for the petitioner contends that the petitioner had been falsely involved and the petitioner and the complainant were having an affair and though the petitioner is married but he had applied for divorce and he had not sent any video to the father-in-law of the complainant. The counsel has also placed on record supposedly some letters and it has been

urged that these were written on 23.2.2018.

The case had been adjourned on the last date since the investigating officer had not come. Today the mobile phone which was in sealed cover and had been brought by the police, was opened. The pen drive which contained the videos (which had been sent on the mobile of the father-in-law) were played in the Court and are obscene. The mobile phone would be again sealed.

State counsel urges that the petitioner is married and it appears that the complainant was in touch with the petitioner and after the complainant got married on 18.2.2018, he sent obscene photographs to the father-in-law and to her other family members and was threatening them and on 27.2.2018 he came in his Alto car at night and started taking rounds in his car and the police was informed that night. The counsel also urges that after the videos came to the notice of the in-laws of the complainant, the girl had returned to her parents house on 24.2.2018. It was urged that the father of the complainant had given a mobile phone to his daughter which had been taken away by the petitioner and the parents had approached the mobile company for closing that number but it was being used by the petitioner and it is from that phone that the obscene videos were sent. State counsel also urges that the letters produced by petitioner are not love letters but the poems written in which some additions have been made and interpolations have been done to show that they were written after marriage. The counsel further urges that custodial interrogation of the petitioner is necessary. She also states that there are four cases already pending against the petitioner, one filed by the wife in September 2015 under Section 498-A IPC, another case under Sections 353, 384, 309 IPC,

third one under Sections 436, 506 IPC and fourth case under Section 509/506 IPC. The petitioner is a married man and he is alleged to have sent obscene video to the girl's father-in-law.

Considering the facts of the case and the allegations made in the FIR, custodial interrogation would be necessary. It is not a fit case in which the discretionary relief of anticipatory bail should be allowed to the petitioner. He had been blackmailing the complainant and had sent obscene photographs to the father-in-law.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

April 05, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No