

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.No.M-12888 of 2018 (O&M)

Date of decision : 06.04.2018

Yadwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Amarjit Singh Ahluwalia, Advocate for the petitioner.

Mr. V.G.Jauhar, Senior DAG, Punjab.

Mr. Abhinav Gupta, advocate, for the complainant.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of pre-arrest bail in case FIR No.26 dated 02.03.2018, registered under Section 466 IPC and Section 67 of the Information and Technology Act, 2000 at Police Station Sadar, Bathinda, District Bathinda.

It is a case that the petitioner had love affairs with the complainant as both were studying in the same institution. He has placed on file certain photographs as well as whatsApp messages.

On the other hand, FIR was registered at the instance of the victim that the petitioner is having some objectionable photographs and he is threatening her to post those photographs on WhatsApp and further threatening to post those obscene photographs on social network and he also tried to outrage the modesty of the complainant.

The application filed by the petitioner for grant of anticipatory bail before the learned Addl. Sessions Judge, Bathinda was dismissed vide order dated 16.03.2018, while observing as under:-

“So far as the filing of Writ Petition in the Hon'ble High Court

in the nature of Habeas Corpus is concerned there is no dispute to this fact. The perusal of the FIR would show that when Yadwinder Singh petitioner had filed the writ petition in the Hon'ble High Court Jaspreet Kaur detenue had appeared before the Hon'ble High Court herself and had got her statement recorded stating therein that she was living with her parents with her free will and wants to continue to live with her parents. However, the allegations made in the FIR showing that even thereafter the accused/applicant did not mend his ways and started blackmailing the victim Jaspreet Kaur by forging a marriage registration certificate as well as marriage certificate issued by some Gurudwara. However, the material particulars of both these documents were concealed by him. The matter does not end here. The accused/applicant had already clicked some photographs of Jaspreet Kaur while in intimate condition with her and had sent those photographs on Whatsapp of the brother of Jaspreet Kaur. Apparently, therefore there is an apprehension in the mind of the complainant that the accused/applicant can upload such objectionable photographs on the Internet in order to bring dishonour to the prosecutrix with whom once she was in love.

From aforesaid facts, this court is of the considered opinion that if released on pre arrest bail a wrong message would be sent to the society as the innocent females of the society are made a prey to the male chauvinism where they cannot even decide whom to marry and whom to say no. The petitioner cannot be allowed to exert pressure upon the girl to marry him just on the ground that during her teenage she got infatuated towards the petitioner. The petitioner appears to have no respect for the fairer sex of the society and as such do not deserve any discretionary relief of pre arrest bail. Accordingly, the bail application stands dismissed. Police file be returned. This file be consigned to the record room.”

I have heard learned counsel for the parties and have gone through the record.44

In this case, the petitioner earlier moved a petition for issuance of a writ in the nature of habeas corpus and copy of the said petition has been placed on record which transpires that earlier petitioner was asserting that the complainant has been kept in illegal custody by her parents and other relatives and he wanted to marry her. In pursuance thereof, this Court summoned the complainant (detenue Jaspreet Kaur). The matter was referred to Mediation & Conciliation Centre of this Court where she suffered a statement that she is living with her parents and she wants to live with them. Therefore, petition for habeas corpus was dismissed vide order dated 19.01.2018.

Thereafter, said victim Jaspreet Kaur lodged the FIR. Initially, the inquiry was conducted by the investigating agency wherein present petitioner produced the copy of fake marriage certificate and police wants to recover the original one and to verify from where it was got prepared. The police also wants to recover the photographs of the victim and other obscene whatsapp messages from the possession of the petitioner.

To the mind of this Court, the custodial interrogation of the petitioner is necessary, therefore, he is not entitled to the benefit of anticipatory bail.

Accordingly, the instant petition stands dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

06.04.2018
mamta-M

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No