

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18131-2018

Date of Decision: 09.07.2018

Vijay

...Petitioner

vs.

State of Haryana and Anr

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Rajneesh Chadwal, Advocate
for respondent No.2/complainant.

ARVIND SINGH SANGWAN,J. (Oral):

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No. 47 dated 13.04.2018 under Section 67 (A) of the Information Technology Act (for short "I.T.Act") and Section 506 of IPC, registered at Police Station Women Police Station, Narnaul, District Mahendergarh.

As per the allegations in the FIR, complainant-Kiran has given a complaint that the petitioner has prepared a fake ID with her name and sent her vulgar photographs to her relatives and friends and also given threat to her and her family.

Counsel for the petitioner submits that a perusal of the photographs shows that these are not vulgar in any manner, therefore, provision of Section 67(A) of I.T. Act are not prima facie made out in the present case.

Learned State counsel, on instructions from SI Shiv Kumar, and assisted by learned counsel for the complainant, has, however, submitted that even on an earlier occasion, a complaint was given by father of the complainant in which the petitioner had pleaded guilty and has given an undertaking in the presence of the witnesses, friends and family members. Undertaking given by the petitioner reads as under:-

“It is stated that I, Vijay, son of Ashok Kumar, Caste Brahman, am resident of Pathera. That I admit the mistake which I have done with Kiran, daughter of Girish Kumar, r/o Mahendergarh and in future, no complaint whatsoever will be received on my behalf. I may be pardon. This mistake I have admitted in front of the persons present on behalf of both the parties”

It is relevant that as per Annexure P3, in the complaint, father of the complainant has stated as under:-

“Sir, I Girish Kumar, son of Ram Ji Lal, Caste Nai, am residing at Satnali Road, in a rented house alongwith my children. My daughter Kiran is taking coaching in Sikar. My daughter is having mobile No. 8278309703 and mobile number of my wife is 9463137662. In the said numbers, calls received from mobile Nos. 9079452564, 7690096773, 8570987408 and 8685904383 and the caller uses absurd words to me and my wife and sister of the boy, who is residing in Mahendergarh, is also supporting him. 05-07 days ago, sister of Vijay, son of Ashok Pathera, came to my daughter and told that marry with her brother otherwise my sons will be killed. Legal action be taken against both of them.”

Learned State counsel has further submitted that during investigation, it has come on record that the petitioner has created a fake ID on face-book and has posted photographs of the complainant in which he

has his own blurred face whereas the face of the complainant is clearly visible.

After hearing counsel for the parties and considering the fact that the petitioner, despite giving an undertaking before the Panchayat to the father of the complainant, has again created a fake ID of the complainant and posted his photographs with the complainant initially in order to defame her. The petition for grant of anticipatory bail to the petitioner is dismissed.

09.07.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether Reportable : Yes/No