

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-44740 of 2018 (O&M)
Date of decision : November 29, 2018

Manjit Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. APS Rana, Advocate, for the petitioner
Mr. Dhruv Dayal, Sr. DAG, Punjab for the State with
Inspector Hari Chand

Fateh Deep Singh, J. (Oral)

The present first anticipatory bail application under Section 438 Cr.P.C. before this Court has been preferred by accused-petitioner Manjit Singh in case bearing FIR No. 54 dated 10.7.2018, under Sections 354-C, 376 IPC and Sections 66-E, 67 of the Information Technology Act, 2000, registered at Police Station Mulepur, District Fatehgarh Sahib.

The allegations have come about from a married 30 years old woman wherein she alleged that around 6/7 months prior to her complaint while she had gone to the house of her friend and in the process she was taking bath, accused Kaka Khan alias Salamdin clicked her photographs and

on that pretext black mailed her persuading her to develop physical relations. In the year 2018 on that threat Kaka Khan took the prosecutrix to a hotel and during the course of physical intimacy prepared her video and kept on threatening her with this pornographic material that in case of her refusal to abide by his dictates the same would go viral. It is alleged that during the course of events the accused Kaka Khan transferred the objectionable photographs of the prosecutrix to the mobile phone of his relative Rehmat a young boy as well as to the present petitioner Manjit Singh neighbour of Rehmat and on account of which it is alleged that the prosecutrix was defamed leading to the registration of the present case.

Mr. APS Rana, counsel for the petitioner argued that principal accused and other accused Jarnail Singh and Saroj Rani who were cohorts of accused Kaka Khan and Rehmat have already been allowed anticipatory bail vide orders dated 2.8.2018 by the court of learned Additional Sessions Judge, Sri Fatehgarh Sahib and that no overt act is attributed to the petitioner and down loading of any such objectionable material and applicability of Section 66-E and 67 of the Information Technology Act, 2000 is debatable issue over its legality and enforceability and prays that nothing is to be recovered from the petitioner.

On behalf of the State, Mr. Dhruv Dayal, Sr. DAG, Punjab assisted by Inspector Hari Chand, Police Station Mulepur has sought to oppose the grant of bail on the grounds of heinousness of crime and seriousness of allegations. It is argued that the recovery of incriminating

pornographic material is yet to be made and therefore, custodial interrogation is very much essential. The petitioner is disseminating these clips to people at large.

Going through the submissions of the two sides, the case of accused Jarnail Singh and Saroj Rani, the latter the wife of the present petitioner are on different footing and therefore, the counsel cannot seek parity of the petitioner qua them. The petitioner is a grown up married man and by his acts of receiving and disseminating such an obscene material on the multi media in connivance with his co-accused are matters of much significance. Keeping in view the social taboo attached to such acts and disgrace the prosecutrix has been put to by this illegal acts of the accused and the fact that recovery of incriminating evidence is yet to be made from the petitioner and that the provisions of Section 438 Cr.P.C. are to be sparingly used, no case for grant of anticipatory bail is made out. The present petition is thus dismissed.

November 29, 2018
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>