

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 7500 of 2018 (O&M)
Date of decision : 18.9.2018

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Surender Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Surender Singh, an accused in FIR No. 36, dated 30.1.2018, for offences under Section 354-D, 500, 506 IPC and Section 66-E, 67 of IT Act, registered at Police Station City Narwana, Jind.

Briefly stated, facts of the case, as per the prosecution story, are that the complainant-prosecutrix was having an affair with

petitioner – accused Surender Singh, who had taken her obscene photographs in his mobile phone. After the complainant/prosecutrix got married, the petitioner accused started harassing her. The complainant asked him not to do so, but he rather uploaded her obscene photographs on whatsapp and facebook, sending the same on mobile phone of husband of the complainant and his other relatives, flashing message on phone of the complainant holding out a threat to kill her and her family members.

Formal FIR in the matter was recorded. Apprehending his arrest, the petitioner had approached the Court of Sessions, for grant of pre-arrest bail. That petition was marked to Additional Sessions Judge, Jind, who vide order dated 9.2.2018, dismissed the same. As such the petitioner has approached this Court craving for grant of similar relief, by filing the present petition, which is being opposed by the State Counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Pre-arrest bail is a discretionary relief, which is to be granted in exceptional cases and not in routine. The allegations against the petitioner are very grave and serious that he had exploited the complainant, taking her obscene photographs with his mobile phone and then started blackmailing her, when she had got married, uploading her obscene photographs on whatsapp and facebook, not only that, sending those to husband and other member of in-laws family of the complainant, in addition to that threatening to kill the complainant. Though he has joined the investigation, but as submitted

by the State counsel, he has not rendered full co-operation and recovery is yet to be effected from him. Therefore, his custodial interrogation is necessary. Even otherwise, the custodial interrogation of the petitioner is found to be required for complete and effective investigation and if the same is denied to the investigating agency, it shall adversely affect the investigation, which is uncalled for.

Therefore, finding no merit in the petition, the same stands dismissed.

18.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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