

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39067-2019 (O&M)
Date of Decision:- 18.9.2019

Baljit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasbir Singh Dadwal, Advocate for the petitioner.
Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
Ms. Simsi Dhir Malhotra, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.128 dated 16.8.2019 under Sections 376/506 IPC and Section 67 of Information & Technology Act, 2008 at Police Station Garhshankar, District Hoshiarpur.
2. The FIR was registered at the instance of prosecutrix wherein it has been alleged that she had studied upto class 10+2 and had been on talking terms with the petitioner Baljit Singh since the last 7-8 months. The said Baljit Singh took the prosecutrix on his motorcycle to Garhshankar where they had tea etc. and then they returned back. It is alleged that about 2 months back, Baljit Singh took her to village Tahliwal (H.P.) by bus where they stayed in a hotel and where he established physical relations with her without her consent and also took '*selfie*' photographs with his mobile phone while they

were nude. It is alleged that subsequently the petitioner, while threatening her on the basis of said photographs, took her to the said hotel 2-3 times and committed rape upon her and now when she refused to accompany him, he had posted her nude photographs on *Whatsapp* account of his friends.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that apparently it is a case where the prosecutrix had physical relations with the petitioner out of her own free will and volition and has subsequently chosen to falsely implicate the petitioner.
4. Opposing the petition, the learned State counsel has submitted that the present case is not just a case of physical relations between the parties but is a case where the petitioner on the strength of obscene photographs taken by him of the prosecutrix had forced her to continue having physical relations with him and had infact posted the said obscene photographs on *Whatsapp* account of several other persons and as has been confirmed during investigation of the case.
5. I have considered the rival submissions addressed before this Court. In the present case, the factum of the photographs of the prosecutrix having been made viral by the petitioner which has been verified by the police *prima facie* substantiates the allegations levelled by the prosecutrix that it was on the basis of said photographs that the petitioner forced her to maintain physical relations with her. In any case, posting of obscene photographs of a girl itself is a serious matter and would not justify grant of anticipatory bail.

6. The petition is sans any merit and is hereby dismissed.

18.9.2019
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No