

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-15503-2020 in/and
CRM-M-16401-2020 (O&M)
Date of Decision: 07.07.2020

Sachin Chugh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gursimran Singh Jossan, Advocate, for
Mr. Sahil Gambhir, Advocate,
for the applicant-petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

Ms. Pooja Dahiya, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (ORAL)CM No. 15503-2020

By this application, a reply to the accompanying petition is sought to be placed on record, alongwith certain documents on behalf of the complainant.

Notice in the application.

Learned counsel for the State and counsel for the petitioner accept notice and do not object to the application, which is consequently allowed subject to all just exceptions.

CRM-M-16401-2020

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 216 having been registered against him at Police Station Kotwali, District Bathinda, on 14.06.2014, alleging therein the commission of offences punishable under Sections 354,292-A and 201 of the IPC and Section 67-A of the Information and Technology Act, 2000.

Learned counsel for the petitioner submits that the FIR against the petitioner is only a counter-blast to earlier litigation and in fact the petitioner has nothing to do with any of the messages sent to the complainant and consequently, he should be admitted to anticipatory bail.

He also submits that in fact the messages stated to have been received by the complainant from the petitioner (as alleged), were not even on her own mobile number but were received on on the mobile number of her brother.

To counter that, learned counsel for the complainant points to Annexure R-13 with the reply filed today by the complainant, to submit that the said number actually belongs to the complainant herself.

Upon query to learned State counsel, he submits that even as per the report submitted to the trial court, the number on which the messages were received, was found to be used by the complainant herself.

Upon further query to him, he submits that one message to the complainant which was not a decent message, was from the petitioners' own mobile phone, after which messages were found to be from other sim cards, with the language used being very similar, and as per investigation carried out, the said sim cards were purchased by the petitioner under fictitious names.

Upon this court expressing its apprehension initially to learned State counsel as to how it was established that the petitioner had purchased those sim cards, he reiterates that a lewd message having gone from the petitioners' own mobile, the connection was not difficult to establish thereafter, looking at the language pattern used.

Learned counsel for the complainant further submits that as a matter of fact initially a complaint alleging therein the commission of an offence

punishable under Section 307 of the IPC was made against the petitioner on 01.10.2013, which eventually resulted in an FIR being registered on 17.10.2013, the delay being (allegedly) on account of the influence exercised by the petitioner and his family, (which obviously counsel for the petitioner vehemently refutes).

She next submits that in fact as a counter-blast to that complaint, an FIR alleging therein the commission of an offence punishable under Section 376 of the IPC was registered against the present complainant and her brother, on 10.10.2013.

She further submits that the petitioner was declared to be innocent in the FIR registered on 17.10.2013, only when a new Senior Superintendent of Police took over.

Having considered the matter, without making any comment on the actual contentions raised as regards the previous FIRs, in view of what has been submitted by learned State counsel, to the effect that the one of the lewd messages was from the petitioners' phone after which the investigating agency also found that he had purchased other sim cards and sent messages to the complainant from those sim cards, I see no reason to entertain this petition, which is consequently dismissed.

However, nothing stated hereinabove shall be taken to be an observation of this court on the merits of the case, with all observations being only in the context of this petition seeking anticipatory bail for the petitioner.

July 07, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No.