

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 28046 of 2020

Date of Decision: 16.09. 2020

Satbir Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Lupil Gupta, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana, for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 34 dated 17.07.2020, registered under Section 147, 149, 323, 342, 354, 354-A, 354-B, 452 & 506 IPC, Section 67-A of the Information Technology Act, 2008 and Section 3(I)W of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1985 (Amendment Act, 2015), at Police Station Woman, Mandi Dabwali, District Sirsa.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Sirsa, in para 2 of his order dated 29.08.2020, which is extracted as under:

“The facts of the case which are essential for disposal of this bail application are that on 17.07.2020 complainant Veenu wife of Heera Lal, resident of village Lohgarh presented a written complaint before police for taking

action against Ashok Kumar Contractor son of Kishori Lal, Sunil Kumar alias Kalu Ram son of Dheeraj Sharma, Ward No.7, Prem Nagar, Mandi Dabwali, Lakhbir Singh alias Lakha son of Rela Ram, resident of Alika now at Prem Nagar Mandi Dabwali and 8-10 unknown persons alleging that she belonged to Schedule Caste and accused belonged to General Caste and they had committed atrocities upon her. Jagdish Kumar uncle of complainant was residing at Prem Nagar, Mandi Dabwali. On 10.07.2020 in the afternoon, she was going to the house of her uncle Jagdish for some personal work. Sukhpreet Kaur wife of Baltej Singh, who was known to her earlier was standing near her house. She went to her house to meet her. When complainant was sitting in the house of Sukhpreet Kaur then accused armed with weapons forced their entry in the house of Sukhpreet Kaur. They got afraid and Sukhpreet Kaur ran out to the other room. Accused came inside the room where the complainant was sitting and started threatening her. Accused Ashok Kumar asked her to make illicit relations with him otherwise they will commit rape upon her. On her refusal accused became furious. Accused Ashok asked co-accused Lakhvir alias Lakha and Sunil Kumar alias Kalu to remove clothes of the complainant and they removed her clothes by showing weapon. They started beating her for making illicit relations with them. They started teasing her in naked position and made her video. In the meantime, accused persons brought

two persons and made video of one of them with her in naked position and started beating them. Ashok Kumar said that he was Ex. M.C. and Contractor and he was having contacts with influential persons. He threatened that if she did not make relations with him then he will make her video viral in social media and will get a false case registered against her. On her refusal a false case FIR No.241 dated 10.07.2020 under Sections 3,4 and 5 of Immoral Traffic Act was got registered against her at Police Station City Dabwali. She was on bail in that case. Even after release on bail accused were threatening her that they will not let her live and made her video viral. She has threat to her life at the hands of the accused persons. She sought a stern action against the accused persons for beating, attempting to rape and making the video viral. Hence the present FIR”.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and that there is a delay of 7 days in the registration of the FIR. It is further submitted that his co-accused i.e. Ashok Kumar and Sunil Kumar have been granted the concession of bail. He further submitted that the petitioner is sought to be indicted in the present case as a counter blast to the FIR No. 241, dated 10.07.2020, registered against the first informant under Section 3, 4 & 5 of the Immoral Traffic (Prevention) Act, 1986.

Mr. Chetan Sharma, Deputy Advocate General, Haryana, has submitted that it is the petitioner who had recorded an inappropriate video of

the first informant and had uploaded the same on social media which went viral. It is further contended that the first informant was arrested pursuant to FIR No. 241 dated 10.07.2020 and once she was released on bail, she has lodged this FIR. It has further been pointed out that Ashok Kumar and Sunil Kumar, have been granted bail after their arrest.

This Court has considered the submissions of learned counsel for the parties.

It would not be appropriate for this Court to express any opinion on merits of the case. The contention of the learned counsel for the petitioner that he is not named in the FIR is factually incorrect. It has been pointed that the petitioner has been named as accused No.3, namely Lakhbir Singh alias Lakha son of Rela Ram, who had given a lathi blow. At the time of hearing, it was not disputed that the petitioner is also known as Lakbir Singh alias Lakha. Still further, the allegations against the petitioner are serious.

Keeping in view the aforesaid facts, this Court does not find it appropriate to grant the concession of pre-arrest bail to the petitioner. Hence, the present petition is dismissed.

(Anil Kshetarpal)
Judge

September 16, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No