

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

1. CRM-M-22241-2021

Harjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-22243-2021

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 04.06.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Anil Kumar Garg, Advocate
for the petitioner(s).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 438 of the Code of
Criminal Procedure, is for grant of anticipatory bail to petitioners in FIR
No. 146 dated 01.09.2020, registered under Sections 323, 341, 354-B, 34 of
the IPC at Police Station Koom Kalan, District Police Commissionerate,
Ludhiana.

Learned counsel for the petitioners, at the very outset, submits that on an earlier occasion, some photographs of petitioner Harjeet Singh along with daughter of co-accused/petitioner Kulwinder Singh were uploaded on Facebook ID and father of petitioner Harjeet Singh had given a complaint to Cyber Crime Ludhiana on 03.07.2020 and after conducting an inquiry, it was found that it is complainant Sonu wife of Budh Singh, who has uploaded the said photographs and on that account, FIR No. 211 dated 10.12.2020, under Sections 509 IPC, Section 66-D of the Information Technology Act, 2000 and Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986 was registered at the same police station.

It is further submitted that as the inquiry was pending and the complainant was having the knowledge that she might be involved in the said FIR, she has got the present FIR registered with the allegations that on 27.08.2020, when she was going through the street to get some grocery items, Kulwinder Singh (petitioner), Balwant Singh and his son Harjeet Singh (petitioner) were standing there and they encircled the complainant. Kulwinder Singh caught hold of her by her arm and Balwant Singh along with his son petitioner Harjeet Singh caught hold of her from the backside and they all started pulling her towards a vacant plot and they gave her beatings and tore off her clothes.

Learned counsel for the petitioners further submits that petitioner Kulwinder Singh is the first cousin of complainant/victim Sonu, whereas both the petitioners are also closely related to each other and in order to defame the family of the petitioners, the complainant has uploaded the indecent photographs, for which, the aforesaid FIR No. 211 was registered.

Learned counsel further submits that the present FIR has been registered as a counterblast to the said FIR and even in this case, the alleged incident is of 27.08.2020, whereas the FIR was registered after five days on 01.09.2020.

Learned State counsel could not dispute the factual position as well as the fact that FIR No. 211 was registered against the complainant/victim.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the aforesaid facts and circumstances of the case, the instant petitions are allowed. Petitioners are granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioners to join investigation, if so required, by issuing them a written notice in this regard.

A photocopy of this order be placed on the file of other connected case.

04.06.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No