

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M-30671-2021 (O&M)
Date of Decision: 3.8.2021**

Daljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG. Punjab.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 326 dated 9.12.2020 registered under Sections 376, 506, 509 IPC and Sections 66 (E), 67 of Information Technology Act, 2000 at Police Station Division No. 8, Jalandhar.

The facts in brief leading to the registration of the FIR are that the prosecutrix alleged that her parents being poor, she was brought up by her maternal aunt (massi) and got her married with one Parkash Singh. She has four children and was happily living with her family. About four years back, she came in contact with the petitioner, who is none else but the son of her brother-in-law (Jeth). He developed physical relations with the prosecutrix with a promise to solemnize marriage with her and also made indecent videos without informing her and even clicked her indecent

photographs. He used to give threat to the prosecutrix that if she does not have physical relations with him, he would kill her and would also make her indecent videos and photographs viral. He even used to ask for money from the prosecutrix a number of times on this pretext. When the prosecutrix told the petitioner that her daughter is going to marry soon and flatly refused to meet him, he made her indecent videos and photographs viral. On account of this a dispute arose in her in laws family and she was turned out of her matrimonial home.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the instant FIR. It is submitted that the prosecutrix herself has admitted in her statement under Section 164 of the Code of Criminal Procedure that she had physical relations with the petitioner and therefore, Section 376 IPC is not in any way attracted. It is also submitted that earlier also a complaint was made by the prosecutrix, but finding no substance in the same, no FIR was registered.

Appearance has been caused on behalf of the respondent—State. It is submitted that there are specific and serious allegations made in the FIR against the petitioner and as such the petitioner does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and with their assistance have perused the paper book.

As per the allegations made in the FIR, the petitioner herein made obscene videos and took obscene photographs of the complainant without her consent and under the garb of those obscene videos and photographs used to have sexual relations with her. So much so even when

the prosecutrix refused to have sexual relation with the petitioner on the ground that her daughter is going to solemnize marriage soon and flatly refused to meet him, he made her obscene videos and photographs viral, which ruined the family life of the prosecutrix, as she was thrown out of her matrimonial home. The allegations are specific and serious in nature and need a thorough probe. Under these circumstances, once custodial interrogation of the petitioner is required to unearth the truthfulness of the serious allegations, this court is not inclined to grant anticipatory bail to the petitioner.

In view of the above, the instant petition is hereby dismissed.

However, it is made clear that any observations made herein above have been made only for the purpose of disposal of this petition, which shall have no bearing on the merit of the case.

3.8.2021

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No