

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(104)

CRM-M-22906-2022

Date of Decision: 25.05.2022

Gurpreet Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. G.S. Nahel, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C praying for granting anticipatory bail to the petitioner in case FIR No.96 dated 29.4.2022 registered under section 376 IPC at Police Station, Bhawanigarh, District Sangrur.

As per facts of the case, the present FIR was lodged by the prosecutrix (name concealed). It was alleged that prosecutrix was married in the year 2011 with Harwinder Singh, whereas the petitioner used to reside at the back side of her house. The husband of the prosecutrix was agriculturist and used to remain out for his work. In the absence of her husband accused Gurpreet Singh used to visit her home. He misused the mobile phone of the prosecutrix and started sending lewd messages from her phone to him. Despite her resistance, he did not stop from misusing the phone of the prosecutrix. He started blackmailing the prosecutrix on the basis of the messages and compelled her to develop illicit relations with him. He allegedly clicked the objectionable photographs of the prosecutrix and kept on blackmailing her. On the strength of the same he committed rape upon her. Thereafter he started raising the demand of money and the

prosecutrix being victim of the same gave him money on some occasions to save her honour. On her refusal, he started threatening her for making viral her obscene photographs taken in the mobile phone. Having no other alternative the prosecutrix lodged the present FIR for taking legal action against the accused/petitioner.

The investigation commenced and having apprehension of arrest the petitioner approached the court of learned Sessions Judge, Sangrur praying for grant of anticipatory bail. However, after hearing the parties, the same was declined vide order dated 12.5.2022. Aggrieved by the same, petitioner has approached this Court for grant of anticipatory bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in this case. He has submitted that there is no iota of truth in the allegations levelled by the prosecutrix. He submits that it was the prosecutrix, who compelled the petitioner to establish physical relations with him and on his denial she started threatening the petitioner to commit suicide. Counsel has relied upon the instagram chats of the prosecutrix with the petitioner. He submits that the prosecutrix was forcing the petitioner to perform marriage with him. Counsel submits that the prosecutrix was in relationship with the petitioner. He submits that as per the allegations the prosecutrix never mentioned any time of the alleged rape committed by the petitioner with the prosecutrix and she has failed to give any explanation as to why did she keep mum on earlier occasions when she was allegedly raped by the petitioner.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

The allegations levelled by the prosecutrix against the petitioner are specific and serious in nature. The Instagram chats relied upon by learned counsel for the petitioner cannot be relied upon when the case is pending investigation. The prosecutrix is a married woman and has levelled the allegations that the petitioner has committed rape upon her by blackmailing her. He threatened the prosecutrix for making viral her obscene photographs on the social media. The case in hand pertains to a heinous offence, wherein a thorough and fair investigation needs to be carried out. The Hon'ble Supreme Court in *State (represented by CBI) vs. Anil Sharma (1997) 7 SCC 187* has held that the custodial interrogation is more effective in qualitative elicitation.

Keeping in view the facts and circumstances of the case and gravity of offence involved, this court does not find any merit in the present petition and the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

25.05.2022
lucky

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