

101 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-7374-2023

Date of Decision: February 13, 2023

Amrinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Naveen Bawa, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 438 CrPC, prayer has been made for grant of anticipatory bail in case FIR No.0264 dated 30.12.2022 under sections 323, 504 IPC and Section 67(A) of Information Technology Act, 2000 (offences under Section 376 IPC & Sections 4, 14 of POCSO Act, 2012 added later on) registered at P.S. City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner submits that in the FIR, no details of date, month or year of the alleged uploaded video has been mentioned and as such there is nothing to connect the petitioner with the alleged offence. Learned counsel further submits that as regards Section 323, there is no medical report showing any kind of injury and thus the same is not made out. In view thereof, he further submits that the FIR itself is not maintainable.

On the other hand, learned State counsel, Mr. Tarun Aggarwal, Sr. DAG, Punjab assisted by Mr. Sachmeet Singh Randhawa, Advocate for complainant submits that there are multiple videos which have been circulated by the petitioner so as to harass the complainant and his wife besides extending threats as well as pressurizing them to withdraw their

complaint.

I have heard learned counsel for the parties and have gone through the paper-book. I am unable to find any substance in the submissions made on behalf of the petitioner.

From a perusal of the FIR one can easily trace out that the petitioner is trying to blackmail the complainant and his wife and to disturb their peaceful matrimonial life, intending to draw undue benefit of some alleged old relationship. In fact, the petitioner is not only disturbing the life of the complainant but also the peace of mind of the wife of complainant as well as their minor children. In fact, the petitioner is trying to disturb the entire social fabric by misusing the clout of his family which is stated to be of some influence in the area which is apparently made out from the submissions made on behalf of learned counsel representing the complainant as per whom the family of the complainant has to even return to his parental house in Haridwar leaving his entire set up in Gurdaspur. Thus, considering the nature of serious allegations leveled in the FIR, petitioner does not deserve the concession of pre-arrest bail in exercise of powers under Section 438 of the Code of Criminal Procedure.

Finding no merits, Dismissed.

13.02.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>