

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M 11151/2023
Date of decision: 10.08.2023.

Sandeep @ Gaggi @ Sandeep Singh

.....Petitioner

Vs.

State of Haryana.

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Suresh Singla, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG Haryana.

Nidhi Gupta, J.

Prayer in this petition under Section 439 Cr.PC is for grant of regular bail to petitioner in case FIR No.775 dated 13.9.2022 under Sections 67A of the Information Technology Act,2000, Section 354-D, 376(2)(n), 506 IPC and Section 25 of the Arms Act,1959 registered at PS Sirsa City, District Sirsa.

FIR (Annexure P-1) in this case was registered on the statement of victim/prosecutrix, and reads as under:-

“Statement of Gurpreet Kaur d/o Dara Singh, Majhbi Sikh, r/o Shamshad Pati, near Gurudwara Sirsa, aged 26 years, mobile No.9803411877. Stated that I am r/o aforesaid address and is student of ADMN. We are two sisters and one brother. My parents work as labourers. About two years back, I befriended Sandeep @ Gaggi s/o Sukhdev Singh, Majhbi Sikh, r/o Sardulgarh. He told his name as Harvinder s/o Sukha r/o Mansa. I befriended him on account of dialing wrong number. Sandeep told me that he is unmarried. Then

gradually we came close to each other. Then about one year back, Sandeep called me to meet at Bansal Hotel and forcibly made physical relations with me without my consent on the false pretext of marrying me. He clicked selfie with me. Then he used to call me after few days and used to sexually assault me. Sandeep, while making physical relation with me, made obscene video and photo. I did not know about video and photo. Then about 8 Months back, my family got to know about my friendship with Sandeep. Thereafter I stopped meeting Sandeep. Then Sandeep repeatedly called on my house mobile No.96712107425 in order to meet me. Subsequently he used to call my relatives and harass them for talking to me. Thereafter he started wandering in our street and used to threaten that make me talk to Gurpreet Kaur or else I will kill the whole family with pistol. Sandeep had the pistol and I had seen it myself. Sandeep uploaded my obscene video and photo on Facebook and WhatsApp. Sandeep befriended me by lying to me that he is unmarried whereas Sandeep was married. He did wrong act with me under the false pretext of marriage. Sandeep had made obscene video and photo without telling me and has uploaded it on Facebook. Sandeep had defamed me by doing this and has lowered down my reputation. Strict legal action be taken against him. I have got my statement recorded without any fear and pressure and in my full senses. I have heard, understood and read my statement, which is correct. Sd/- Gurpreet Kaur”.

Ld. Counsel for the petitioner submits that complainant/victim in the present case is 26 years old and petitioner is 30 years old.

Ld. State counsel has produced custody certificate dated 9.8.2023 which is taken on record and as per which petitioner has been in custody for the last 10 months and 26 days.

Ld. State counsel while opposing the prayer submits that victim in her statement under Section 164 Cr.PC has supported the case of the prosecution. It is further submitted that serious allegations have been made against the petitioner. He also uploaded obscene video and photo of the victim on Facebook and WhatsApp and thereafter blackmailed her for sexual favour. Petitioner is also alleged to have concealed his marital status from the victim, and had also threatened the victim to kill her family with pistol. It is further submitted that challan has been presented in the present case and charges have been framed, however, no witness has been examined so far. It is stated that there is every apprehension that if released, the petitioner will threaten and influence the prosecution witnesses.

After hearing ld. Counsel for the parties, keeping in view the totality of the facts and circumstances, however, without commenting on the merits of the case, I find no case for grant of regular bail is made out at this stage.

Dismissed.

10.08.2023.
Joshi

(Nidhi Gupta)
Judge