

CRM-M-31261-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31261-2023 (O&M)
Date of decision : 16.12.2023

Jaskaran Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Akbarjit Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. J.S. Thakur, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.053 dated 08.04.2023 under Section 376 of the Indian Penal Code, 1860, registered at Police Station Adampur, Jalandhar (Annexure P-1).
2. The FIR in the present case was registered on the complaint of the prosecutrix wherein she has alleged that the petitioner herein had made forcible physical relations with her on the pretext of marriage and further that he had made viral obscene photos and videos on social media which was prepared by him by giving her some intoxicant substance. Allegations were also made of threats to kill her family members by calling from some foreign

numbers.

3. Learned counsel for the petitioner would contend that the present was a consensual relationship and it was the prosecutrix who refused to get married after her father returned back. The learned counsel would further contend that earlier the father had filed a complaint which was consigned.

4. *Per contra* the learned counsel for the State by relying on the status report filed by way of affidavit of Vijay Kanwar Paul, PPS, Deputy Superintendent of Police, Sub Division Adampur, District Jalandhar (Rural) and on instructions from ASI Gurmeet Singh has contended that the petitioner had been threatening the family prior to the registration of the FIR. Learned State counsel has further contended that obscene videos and photographs of the prosecutrix were made viral on social media which resulted in two matrimonial alliances of the prosecutrix breaking off. The learned State counsel has further contended that in the present case only 04 witnesses remain and that the trial is at the conclusion stage.

5. Learned counsel for the complainant has contended that the petitioner himself has attached with the present petition as Annexure P-3 the screenshots of the videos uploaded on Instagram.

6. Heard.

7. In the present case the FIR was registered on the allegations on the petitioner having developed forcible physical relations with the prosecutrix on the pretext of marriage as also that the petitioner had made certain obscene videos of the prosecutrix viral on social media. A perusal of the petition itself reveals that certain videos were uploaded on Instagram,

screenshots of which have been appended with the petition as Annexure P-3.

The learned counsel for the State has contended that in the inquiry it was *prima facie* proved that twice the matrimonial alliances of the prosecutrix were called off as the petitioner had made certain videos viral on social media. It appears that the petitioner has not only been threatening the family members but also harassing the prosecutrix to such an extent that two of her matrimonial alliances were also called off. Even if it is taken as a case of a relationship having gone sour, it does not give the right to any party to make private videos viral on social media and harass a person to an extent that the life of the other person becomes miserable. In the present case only 04 witnesses remain and the trial is at its fag end.

8.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner. The present petition being devoid of merit is accordingly dismissed. Pending applications, if any, also stand disposed off.
9.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

16.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO