

325

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

CRM-M-32571-2023

Date of Decision:- 13.09.2023

AMRITPAL SINGH

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

Mr. Birinder Pal, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Amritpal Singh has filed the instant 2nd petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.60 dated 28.02.2022, under Sections 376, 384, 506 and 201 IPC, Section 67 Information Technology Act, 2000 (wrongly written as Section 67 Information Technology (Amendment) Act, 2008 in FIR), Police Station Kharar, District SAS Nagar Mohali.

2. The facts of the case are that the prosecutrix filed a written complaint to SSP, Mohali alleging that she is a divorcee. She came in contact with Amritpal Singh. They were in relationship. After the marriage of Amritpal Singh, they separated and stopped talking to each other.

However, the accused used to follow her. One FIR No.89 dated 02.04.2021 was registered under Sections 354 and 506 IPC, Police Station Mataur in which he was arrested. The accused admitted his fault and submitted apology letter with the assurance not to behave in this manner nor he will contact her physically or through social media and deleted objectionable pictures. He again started stalking and harassing her through whatsapp messages. He also put her objectionable photographs on social media. He also posted her objectionable contents on her professional portals and also created various fake profiles. She also changed her number but the accused did not stop talking with her. He had sent objectionable photographs and threatening messages to her. The behaviour of accused became dangerous day after day and ultimately the matter was reported to the police. On the basis of which present FIR has been registered. After the completion of investigation, challan was presented in the Court.

3. The learned counsel for the petitioner argued that all the allegations levelled against him are false. The complainant is a mature lady of 39 years of age. In-fact they were working in the same company. She had disclosed that she was a divorcee but it was found that dispute was still pending with her husband who did not want to give divorce to her nor he wanted to stay with her and because of this reason their relationship was broken and the complainant got annoyed. It is pointed out that in the initial complaint filed by her, there were no allegations of rape or threatening her. Copy of the complaint and the statement of the complainant are Annexure P-2 and P-3. The copy of FIR No.89 dated 02.04.2021 is Annexure P-4. Subsequently, the complainant during inquiry gave supplementary statement with ulterior motive and levelled false serious allegations against him. There is no medical evidence in support

of allegations of rape. The statement of said victim has been recorded as PW1. Her statement is not trustworthy. He is behind the bars since 01.03.2022. The previous bail application [CRM-M-36388-2022] filed by the petitioner was withdrawn on 27.04.2023. Copy of the said order is Annexure P-10. The trial of this case may take long time. He will abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Learned counsel representing the State has filed detailed status report along with the custody certificate. As per the custody certificate, he is in judicial lockup since 04.03.2022. It is argued that there are serious allegations against the present petitioner who consistently stalked and threatened the prosecutrix and till date only two prosecution witnesses have been examined. Considering the gravity of offence, he is not entitled to be released on bail.

5. The bail application is also opposed by the counsel for the prosecutrix/complainant. He has placed on record various threatening messages and objectionable photographs sent by Amritpal Singh from time to time. It is argued that he is still threatening her by sending messages. In case, he is granted concession of bail, he will try to influence the witnesses and will interfere with the trial of the case. It is prayed that his regular bail application may be declined.

6. I have considered the arguments and have gone through the record. The prosecutrix/complainant has levelled specific serious allegations of stalking and threatening against the present petitioner. It is not disputed by the prosecutrix that she came in contact with the present petitioner/accused but once they ended their relationship the present petitioner did not stop blackmailing and threatening her. The counsel for

the complainant/prosecutrix has placed on record the number of whatsapp messages allegedly sent by the petitioner. In the case in hand, the statement of prosecutrix is also recorded before the trial Court in which she has fully supported her version. The conduct of the present petitioner even after the registration of this case cannot be overlooked. The allegations are specific and serious in nature. Considering the peculiar facts and circumstances of the present case, I do not find a fit case for grant of regular bail to the petitioner and the same is accordingly declined.

13.09.2023

*snd***(AMARJOT BHATTI)**
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No