

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-42736-2022 (O&M)
Date of decision: 12.09.2023

Mohammad Raj

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohd. Yousaf, Advocate for the petitioner.
Mr. Gurdarshan Singh Sidhu, AAG Punjab.
Mr. Vipul Babuta, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 77 dated 07.04.2022 registered under Section 67-A of the IT Act and Section 201 IPC, at Police Station Jamalpur, District Ludhiana.

Learned counsel for the petitioner submits that the FIR was registered on the complaint lodged by the mother of Saloni-wife of the petitioner, and the petitioner has falsely been implicated in the present case; that the petitioner and Saloni performed marriage without the consent of the her parents on 12.01.2022; that Saloni stayed with the petitioner from 12.01.2022 to 28.03.2022, thereafter, she went to her parental house to visit them but instead of coming back to her matrimonial house, the present FIR has been lodged; that the allegations against the petitioner are that he made

viral the nude photos of his wife on social media; that the allegations against the petitioner are totally false and the present FIR has been lodged as the parents of Saloni were against their marriage; that the petitioner has been in custody since 24.05.2022; that it is a Magisterial trial; that in another case, the petitioner is on bail and that the complainant and Saloni, have already been examined.

In support of his contentions, learned counsel for the petitioner relies upon the order dated 19.05.2009 passed by a Coordinate Bench in case of Sukhdev Singh Vs. State of Punjab, 2009(3) RCR (Criminal) 291. He also argued that the learned Trial Court is duty bound to conclude the trial within 60 from the date of recording the evidence of prosecution but the same has not been done by the learned trial Court.

On the other hand, learned State counsel and learned counsel for the complainant, while controverting the submissions made by the learned counsel for the petitioner, submit that the allegations against the petitioner are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper the evidence or win over the witnesses. However, learned State counsel does not dispute the custody period of the petitioner.

Learned counsel for the complainant further submits that Saloni-daughter of the complainant was taken away by the petitioner to Bihar and detained her there and somehow she escaped from the clutches of the petitioner and came back to her parents on 28.03.2022. The nude photographs of Saloni not only made viral but the same were also sent to her father and then they came to know about the same. Moreover, the father of the petitioner has also given threats to the complainant and her family members not to give

evidence against the petitioner and on the complaint qua the same, proceedings under Section 107/151 Cr.P.C. has been initiated against him.

I have heard the learned counsel for the parties.

As notice above, there are serious and specific allegations against the petitioner that he has made viral nude photos of his wife-Saloni on social media and also sent to her father and the father of the petitioner has also given threats to the complainant and her family members not to give evidence against the petitioner. As per the learned State counsel and the learned counsel for the complainant, if, the petitioner is enlarged on bail, every effort will be made by him to either tamper with the evidence or win over the witnesses. Thus, in totality of the circumstances, the petitioner is not entitled to grant of concession of bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

12.09.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No