

IN THE HIGH COURT OF PUNJAB & HARYANA
CHANDIGARH

205

CRM-M-6897-2024
Date of decision: 20.05.2024

SIMMI ALIAS SIMMY PAHWAPetitioner

Versus

STATE OF PUNJAB AND ANOTHER ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Sapna, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

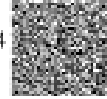
KULDEEP TIWARI. J.(Oral)

1. On 09.02.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.457 dated 18.11.2023, under Sections 294, 506, 509, 120-B of the IPC, and, Section 67-A of the I.T. Act, registered at P.S. Sohana, District S.A.S. Nagar.

2. The genesis of the instant FIR is embodied in a complaint made by one Tarun Chadha. The allegations, as narrated in the said complaint, and, which are extracted in paragraph No.5 of the order dated 18.01.2024, whereby, the learned Additional Sessions Judge, S.A.S. Nagar, declined to grant anticipatory bail to the petitioner, are reproduced hereinafter:-

“5. The facts of the case are that complainant Tarun Chadha moved a complaint to SHO, P.S. Sohana that he is working as Junior Assistant in the office of District Education Officer, SAS Nagar. On 08.07.2020 around 10.00 A.M. many calls were received on the mobile phone of his wife. They came to know that some person has put the mobile number of his wife on ID in the name of SINGH SINGH and uploaded obscene photos. On inquiry



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it was found that the ID was created from mobile No.09780980188 which was in the name of Malkeet Singh S/o Harwinder Singh, R/o H. No.1369, Sector-45, Chandigarh and was being used by his father. Smt. Simmi was having mobile No.98786601195 which was also registered at the address of Harwinder Singh. On 23.07.2020 Simmi had come to his office and threatened him. He prayed for taking action against both of them. FIR was registered accordingly.”

3. The learned counsel for the petitioner submits that, the petitioner has been falsely implicated in the present FIR, owing to an earlier dispute inter se the petitioner and the wife of the complainant, who have been working in the same School since 2018. In fact, the wife of the complainant had earlier also tried to falsely implicate the petitioner in a Mid-day Meal Scam, however, upon inquiry, the allegations levelled against the petitioner were not proved, rather it came in the report that the petitioner was framed by the complainant's wife with mala fide intention.

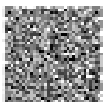
4. Lastly, the learned counsel for the petitioner submits that the petitioner, who is a single mother, has been entangled in the present FIR, just because of personal grudge, and, the allegations as levelled against the petitioner are totally incorrect.

*5. At this stage, Mr. Manjot Singh Gujral, Advocate, records his appearance on behalf of the respondent No.2, under a validly executed Vakalatnama, and, opposes the grant of anticipatory bail to the petitioner. Moreover, by drawing attention of this Court towards the judgment rendered by a Co-ordinate Bench of this Court, in **Crl. Misc. No.M- 26471-2018**, titled as “**Chander Shekhar Rawat V/s State of Haryana**”, he contends that, in cases involving character assassination of a lady, the accused does not deserve any concession of bail.*

6. Considering the submissions advanced hereinabove, this Court is of the opinion that, since the allegation qua involvement of the petitioner in the alleged uploading of obscene photographs is yet to be established, the petitioner deserves concession of anticipatory bail.

7. Notice of motion for 26.02.2024.

8. Mr. Digvijay Nagpal, A.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.



9. Mr. Manjot Singh Gujral, Advocate, accepts notice on behalf of the respondent No.2.

10. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. It is thereafter, the matter was taken up on 26.02.2024, whereby, the matter was adjourned, on account of the fact that the petitioner wants to re-join the investigation, as she has not co-operated with the investigation process, and whereupon, the petitioner was granted one more opportunity to re-join the investigation process.

3. Today, the learned State counsel on instructions imparted to from the official respondent, submits that the petitioner has already joined the investigation and she is fully co-operating with the investigation process and she is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 09.02.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

20.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No