

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

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**Criminal Misc. No. M-11460 of 2024
Date of decision :-18.04.2024**

Jaswinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. R.S. Sekhon, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr Arshpreet Khadial, Advocate
for the complainant.

NIDHI GUPTA J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is
for grant of anticipatory bail to the petitioner in case FIR No.333
dated 27.08.2023 (Annexure P-1) under Section 306 IPC, registered at
Police Station Sohana, District SAS Nagar.

Learned counsel for the petitioner *inter alia* submits that
the present FIR was registered on the basis of statement of father of
the deceased/victim, which, in brief, as recorded by learned
Additional Sessions Judge, SAS Nagar, in its order dated 16.02.2024
(Annexure P-4), reads as follows :-

*“In brief the case of prosecution as per statement
of complainant is that he has three children. The
name of his elder son is Arshpreet Singh, Navjeet
Kaur is her younger daughter whereas, Akshpreet*

Singh is youngest son. His younger daughter Navjeet Kaur is residing in House no. 12-4, Tower B3, Purva Premium Apartment, Sector 88, Mohali and is working in Production line. He used to make telephonic call to his daughter who often remain disturbed. On 26.08.2023 at about 1:28 P.M, he called his daughter who disclosed him that Jaswinder Singh son of Amar Singh forced her to marry with him. His daughter does not want to marry with him. Jaswinder Singh also called him (complainant) and told him to marry his daughter with him or to gave him Rs.10 lakh otherwise he will post her video. Her daughter due to the harassment given by Jaswinder Singh committed suicide by hanging herself with the help of dupatta. On the basis of said statement of complainant, present case was registered against the accused.”

Learned counsel for the petitioner submits that petitioner and the victim were in a consensual relationship. The petitioner had even made several monetary transfers online in favour of the deceased victim as is evident from Annexure P-2. It is stated that thus the allegations made in the FIR are false and fabricated; and further stated that the petitioner is ready and willing to join the investigation and undertakes to co-operate with the Investigating Agency.

Per contra learned counsel for the State submits that the FIR has been registered in August 2023 and the petitioner has been evading his arrest since then. It is stated that even as per location of the mobile phone of the petitioner, numerous raids were conducted to arrest the accused and on 25.09.2023 as per location of the mobile phone of the petitioner, raid was also conducted in the Market at

Sector 80, SAS Nagar (Mohali). The petitioner was although in the vicinity of the area but he could not be apprehended. In this regard, learned State counsel refers to para 4 of the short reply dated 08.04.2024 filed by way of affidavit of Harsimran Singh Bal, PPS, Deputy Superintendent of Police, City-2, SAS Nagar, which is reproduced hereunder :-

“xxx xxx xxx

4. That during the investigation, numerous raids were conducted to arrest the accused person. On 25.09.2023, the location of the accused was found to be at Sector 80, SAS Nagar, hence the investigating officer along with police team searched the market of Sector 80, SAS Nagar to apprehend the accused, however, he could not be apprehended. Thereafter, the investigating officer also issued non-bailable warrants against Jaswinder Singh/the petitioner on 05.01.2024.

xxx xxx xxx”

Learned counsel for the complainant vehemently opposes the prayer made in the present petition and submits that very serious allegations have been made in the FIR against the petitioner that the petitioner made objectionable videos of the deceased and had been threatening to viral the same on social media. It is contended that there is an audio clip of the conversation between the petitioner and the victim/deceased wherein the victim is heard asking the petitioner in Punjabi that “Do you have no shame that I am dying because of you”. It is stated that in respect of the petitioner’s harassment, the victim had previously also made a complaint before the Senior Superintendent of Police, SAS Nagar vide DDR No.114 dated

10.03.2023. However, as no action was taken thereupon, the victim made another complaint before the Deputy Superintendent of Police, SAS Nagar on 22.05.2023 clearly alleging that the victim is being harassed by the petitioner, and the victim had also stated in the application before the Deputy Superintendent of Police, SAS Nagar that the petitioner had threatened her and told her that another *Nirbhaya* will happen and he will defame her in front of the entire village. It is stated that because of this harassment caused by the petitioner, the victim committed suicide. It is further stated that the petitioner had also demanded Rs.10,00,000/- from the complainant and threatened that if the money will not be given to him, he will viral the objectionable videos of his victim daughter on social media.

Learned counsel for the State submits that in view of the above facts, custodial interrogation of the petitioner is essential.

I have heard learned counsel for the parties and gone through the case file.

In view of the serious nature and gravity of the allegations leveled against the petitioner, this Court does not find any ground to grant the relief to the petitioner. Consequently, the present petition stands dismissed.

April 18, 2024

Vijay Asija

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No