

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.34804 of 2024
Reserved on: 13.08.2024
Pronounced on: 30.08.2024

Parveen Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
41	15.06.2024	Ladhuwal, District Ludhiana	499, 500 IPC and 67, 67(A) of Information Technology Act, 2000

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. Per paragraph 10 of the bail application and the reply dated 12.08.2024, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	44	30.04.2024	Under Sections 177, 406, 420, 120-B, 506 IPC (Section 66A and 67A of IT Act added later on)	PAU, District Ludhiana
2.	72	21.06.2024	186, 500, 506 IPC and Sections 67, 67A of IT Act	Sarabha Nagar, District Ludhiana
3.	167	3.11.2020	420, 465, 467, 468, 471 and 120B IPC	PAU, Ludhiana

3. Facts of the case are being taken from reply dated 12.08.2024 which reads as under:

"One complaint bearing number PGD 348852/348444 dated 13/5/2024 from Nachhattar Singh son of Hari Singh resident of Nurpur Bet, currently resident of House No. 16 A, Golden Avenue, phase 2, Hambran Road Ludhiana has been received from the office of the Commissioner of Police Ludhiana by post for the registration of a case against Parveen Kumar son of Kewal Krishan resident of house No. 312 GY, Rishi Nagar, Ludhiana the contents of which are as following. To the respected Commissioner of Police Ludhiana. Subject: Regarding disrespectful words having being spoken against me and my family by Master Parveen Kumar son of Kewal Krishan House No. 312 GY, Rishi Nagar, Ludhiana. Certain respectfully stated that I am Nachhattar Singh son of Hari Singh resident of Nurpur Bet, currently resident of House No. 16A, Golden Avenue, phase 2, Hambran Road Ludhiana. My land is situated at village Nupur. And regarding this I have a dispute with Parveen Kumar. Regarding the dispute of the land there are 4 court cases amongst me and Parveen Kumar. These are pending in the court. Apart from this, I had even given a complaint against Parveen Kumar bearing No. 2712117 dated 06/12/2023 and the investigation of the same is pending with Amandeep Singh Brar ADCP investigation. Parveen Kumar has also threatened me earlier regarding the land dispute I have with him. He has made a video against me and has made it viral on the phones of the people living in the village and other people via WhatsApp. This video was sent on the mobile number 8260020626 of my acquaintance Jaspal Singh resident of Nurpur bet Ludhiana on date 10/5/2024 at 10:45 AM through WhatsApp. In this video Parveen Kumar is using very dirty language for me and my family. And for this reason, me and my family have been defamed a lot in the society. Me and my family are finding it difficult now to move out of the house. Parveen Kumar is a very cunning person and he can make more videos against me and my family and make it viral. And on account of this there can be a bad influence on me and the members of my family and my life and property can be endangered. I humbly request you that justice may be delivered to me by registering a case under section 67, 67 (A) of the Information Technology Act against Parveen Kumar. With thanks. CD appended alongside. Sd/- Nachattar Singh"

4. The petitioner's counsel argues that genesis of the dispute of FIR against the petitioner is civil in nature which is evident from perusal of FIR itself. He further submits that perusal of FIR shows that no further recovery is required to be made from the petitioner and the said FIR has got registered by the complainant apprehending future happenings which are airy only and nothing else.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State opposes bail and referred to paras 13 & 14 of the reply, which read as follows:

“13. ROLE OF THE PETITIONER:-

- (i) *That the petitioner has made a video by using sexually explicit language against the complainant and his family members and further forwarded it to Jaspal Singh through whatsapp on his mobile no. 94656-11032 on 17.04.2024.*

14. EVIDENCE AGAINST THE PETITIONER:-

- (i) *That the video made by the petitioner which was forwarded to Jaspal Singh through WhatsApp on 17.04.2024 and Jaspal Singh again forwarded the same on WhatsApp to the complainant Nachhatar Singh on his mobile no. 82600- 20626, the complainant produced the video and submitted to the investigation officer on 10.05.2024 and the same was taken into police custody by the Investigation Officer.”*

7. Given the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses,

Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.