

**CRM-M-37136-2024 (O&M)****215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-37136-2024 (O&M)
Date of decision: 28.10.2024****JARMANJIT SINGH****...PETITIONER****V/S****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present: Mr. H.P.S. Rakhra, Advocate
for the petitioner.****Mr. Sandeep Kumar, DAG Punjab.************HARPREET SINGH BRAR J. (ORAL)**

1. The petitioner is seeking grant of regular bail in case bearing FIR No. 109 dated 07.06.2024 registered under Sections 354-A, 509 of Indian Penal Code and Section 67 of Information Technology Act 2000 at Police Station Lopoke, District Amritsar.

2. The FIR(supra) was lodged against the petitioner on the basis of statement of complainant Avtar Singh on the allegations that his daughter Sukhmanpreet Kaur is doing PTE at Ranjit Avenue Amritsar. Jarmanjit Singh (petitioner herein) used to meet her, who was doing PTE with her and they developed friendship. Petitioner used to impress his daughter in various talks and he used to have bad eye on his daughter and he had made obscene photographs of her and started blackmailing her. The complainant married his daughter and after her marriage, he (petitioner) again started harassing her. He was threatening that he will destroy her house and will also destroy her husband. He said that he had made obscene photographs and have got obscene videos and will put the same on instagram. Her daughter told him everything about it and the complainant alongwith his father went to his house and requested that he should not do like this, else the house of their girl will be



destroyed. But Jarmanjit Singh did not listen to their talks and said that they can do whatever they want. He had already got one FIR registered against him and he has no fear of one more FIR. He told that they should go from there, otherwise he will kill them. They saved their lives and came back and after that the petitioner made reel of obscene photographs and uploaded the same on the instgram, which has went viral and his son-in-law had left her daughter at the house and they have told that they are not going to keep her. He has spoiled the life of his daughter. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that perusal of the record clearly indicates that no offence under Section 354-A, 509 of Indian Penal Code and Section 67 of Information and Technology Act was made out against the petitioner. Admittedly, the petitioner and victim-prosecutrix were friends and both have clicked the photographs with consent of each other and that was in the knowledge of prosecutrix and FIR(supra) has been lodged by the father of the victim-prosecutrix and earlier also, the victim-prosecutrix had lodged one FIR against Dilbag Singh on identical allegations and this is the second FIR lodged on the same allegations. Investigation of the case is complete. The petitioner is not involved in any other case.

4. Per contra, learned State counsel filed the custody certificate, which is taken on record and opposes the prayer made by learned counsel for the petitioner on the ground that the prosecutrix had appeared before the learned trial Court and recorded her statement under Section 164 Cr.P.C., in which she has clearly stated that personal photographs of the petitioner and victim-prosecutrix were circulated after her marriage, on the social media. As such, her husband has turned her out of the matrimonial home and as such

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complicity of the petitioner has been duly proved and he is not entitled to concession of regular bail. However, he could not controvert the fact that petitioner is not involved in any other case.

5. Having heard the learned counsel for the parties and after perusing the record, it transpires that petitioner is behind the bars since 11.06.2024. Out of total 13 prosecution witnesses, none has been examined so far, thus, conclusion of trial will take sufficient long time to conclude. Culpability, if any, would be determined at the time of the trial.

A two Judge Bench of Hon'ble Supreme Court in 'Satender Kumar Antil v. CBI' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

6. In view of the above, the present petition is allowed and the petitioner-Jarmanjit Singh is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

October 28, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No