

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-45123-2023

Date of decision: 19.01.2024

Amarjeet Singh

...Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.S. Maini, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.167 dated 13.07.2022, registered for the offences punishable under Sections 354-A, 507 IPC and Sections 66-E, 67-A of IT Act at Police Station Lambi, District Sri Muktsar Sahib.

2. The case set up in the FIR in question is as follows:-

“Statement of Kulwinder Kaur wife of Gurmeet Singh son of Balvir Singh resident of village Tarmala, aged approximately 30 years, Mobile Phone Number 97815- 20347. It is stated that I am resident of the above said address and I am doing the domestic works. My marriage had been solemnized approximately the period of 12 years ago with Gurmeet Singh son of Balvir Singh resident of Village Tarmala. I have one son named Navdeep Singh, which is aged approximately 10 years. From the month of January 2017, I had my love affairs with Jaswinder Singh son of Jeet Singh, resident of Deh which is son of my Taya Sahura and often we used to talk on the whatsapp. Period approximately 04 years ago, in the night, I and Jaswinder Singh were calling through the video whatsapp and then Jaswinder Singh asked me that you may remove your clothes and show your body to me. Whereupon, firstly, I made the false pretexts to him but on insisting again and again by Jaswinder Singh, being lured by

Jaswinder Singh, removing my shirt from my breast, carrying the shirt at upside, shown my breast to him and then Jaswinder Singh saved these video in his mobile phone without telling me. Jaswinder Singh showed/sent these video to Amarjit Singh son of Joginder Singh just of our own village, at his Mobile phone. After some time, asking me, Amarjit Singh started to black mailing me, that I have your indecent videos with me, you may also discuss the matter with me also otherwise putting your videos on the face book, I will defame and insult you. I said to him that, I have not to do any such activity with you and after today onwards you may not discuss such matter with me. Period of about two months ago, Amarjit Singh uploaded my indecent videos, which have been up loaded on the face book, I was also added on the face book with Amarjit Singh due to which, I have seen these videos. Just after some period, Amarjit Singh had deleted these videos from his face book account. Being afraid from my own defames and insult, I did not told about this matter to my husband Gurmeet Singh or to any other person, family member. Now visiting the rounds, crossing from here and there, Amarjit Singh is again harassing and troubling me that establish bodily relations with him. Upon which, being harassed and troubled by Amarjit Singh, today I told this entire matter to my husband Gurmeet Singh. The cause of the enmity is that Jaswinder Singh fabricating my indecent videos fraudulently, he had sent these videos to Amarjit Singh. With this video, he was black mailing me that you may establish bodily relations with me otherwise putting your video on the face book, I will defame you. I did not established bodily relations with him. Therefore, for defaming me, Amarjit Singh put up my videos on the face book and he has defamed me. Today I, along with my husband Gurmeet Singh, we were coming in the police post Bhai Ka for giving its information to you. You along with the colleague employees met us at Bust stand village Khema. The statement is recorded to you. Read over and admitted correct. I am claimant. Legal action may be taken. SD/- Kulwinder Kaur”

3. At the outset, learned counsel for the petitioner contends that co-accused-Jaswinder Singh has already been granted the concession of regular bail by coordinate Bench of this Court passed in CRM-M-51433-2022 decided on 16.03.2023. Thus, on the ground of parity alone, petitioner is entitled to be released on bail during the pendency of trial.

3.1 On merits, learned counsel for the petitioner has argued that the petitioner is in custody since 16.07.2022; after investigation challan has been presented and trial is underway. Learned counsel has further argued that it is the admitted case of complainant-Kulwinder Kaur, as recorded in the FIR, that she was in an intimate relationship with the co-accused Jaswinder Singh and thus, the possibility that the video in question was recorded at the volition of the complainant cannot be ruled out. Learned counsel has further argued that the out of total cited 12 prosecution witnesses, 04 stands examined and no grievance has been raised by the complainant's side regarding the petitioner trying to influence the prosecution evidence. Thus, regular bail has been prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.01.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. After the petitioner having been arrested on 16.07.2022, challan in the instant case was presented on 09.09.2022 and trial is already underway. The rival contentions made by learned counsel for the parties regarding the weightage required to be attached to the alleged intimate relationship of the complainant-Kulwinder Kaur with co-accused Jaswinder Singh will be seen during the course of trial. This Court does not deem it appropriate to delve deep into the rival contentions, at this stage, lest it may prejudice the case of either parties. As per custody certificate dated

18.01.2024 filed by the State of Punjab, the petitioner has already suffered incarceration for a period of more than 01 year & 06 months and same does not reflect involvement of the petitioner in any other serious offence. No tangible material has been brought forward to indicate the likelihood of the petitioner fleeing from the process of law or interfering with the remaining prosecution evidence. Co-accused-Jaswinder Singh has already been granted the concession of regular bail by this Court vide order dated 16.03.2023 passed in CRM-M-51433-2022. In considered opinion of this Court, in the facts and circumstances of the case, further detention of the petitioner is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

- (vii) The petitioner shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 19, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No