



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-43455-2024
DECIDED ON: 04.09.2024

PARVEEN KUMAR

.... PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Vaibhav Sehgal, Advocate
for the Complainant.

SANDEEP MOUDGIL, J

1. RELIEF SOUGHT

The jurisdiction of this Court under Section 482 BNSS, 2023. has been invoked seeking grant of anticipatory bail to the petitioner in case FIR No. 72, dated 21.06.2024, under Sections 186, 500, 506 of IPC 1860 and sections 67, 67A of IT Act, 2000 registered at Police Station Sarabha Nagar, District Ludhiana.

2. The contents of the FIR read as under:-

“At present it is reported that an application number P. G.D. 342797/341949 dated 01.05.2024 from Head Constable Baldev Singh against Parveen Kumar son of

Kewal Krishan R/o House Number 312-G Y Rishi Nagar Ludhiana for registration of case has been received, the contents of which is as under, To, the Respectable Commissioner of Police, Ludhiana. Subject:- Initiating of action against Parveen Kumar son of Kewal Krishan R/o House Number 312-G Y Rishi Nagar Ludhiana, for using objectionable words against me and viral it on social Media - Regarding. Sir, It is requested that I Head Constable Baldev Singh Number 1719/Ludhiana am performing my duty as Assistant Reader in the office of A.C.P. West Ludhiana. I want to tell you that an application Number P.G.D. 275303-272213 dated 13.12.2023 was received from senior officers by Manish Kumar against Parveen Kumar son of Kewal Krishan and Sunita Bajaj wife of Parveen Kumar resident of Rishii Nagar Ludhiana for conducting inquiry in the office. Inquiry of the same was conducted by Assistant Commissioner of Police West Ludhiana, during inquiry of the application I called both the parties on mobile and sent summons through Text messages and noted them down to join the investigation and to represent their versions and Respectable A.C.P West heard both the parties, thereafter statements of both the parties were recorded. During that time itself Parveen Kumar in order to conceal his mistake gave me threats to cause loss to life and liberty in contrary. Therefore, during investigation of the application of Parveen Kumar he concocted false story since January 2024 by way of filing an application, by putting pressure upon me is causing obstruction in my Government Duty. In connection of the applications submitted by him Application P. g.D. 275303/272213 dated 13.12.2023 from Manish Kumar is attached whereas I do not have any personal concern or relation with both the parties, I am only performing my duty. Inquiry of the application received against Parveen

Kumar has been conducted by Respectable A.C.P. West Ludhiana and he after conducting inquiry sent the inquiry report by mentioning it in the conclusion report to register a case against Master Parveen Kumar and his wife Sunita Bajaj and others. Due to this grudge since January 2024 Parveen Kumr son of Kewal Krishan Resident of Rishi Nagar Ludhiana is filing false applications against me through E-mail, in which he is using wrong/derogatory words and is sharing the complaints filed against me in public through social media. On dated 27.04.2024 Parveen Kumar made a video regarding me has viral it on social media, a video has been received in my mobile through Whatsapp at 05.35 PM, in which Parveen Kumar is referring me as Naib Reader and by using derogatory words is creating disturbance, harassment and inconvenience and in which he clearly seen threatening by misleading, the words which have been spoken in the video same are derogatory in the society, I cannot produce its Transcript in writing because same are obscene words, that video is uploaded in the Pen drive and it is submitted for examination. Thereafter on dated 29.04.2024 then Parveen Kumar made a video against my wife and viral it on social media, which has been received upon my mobile through Whatsapp at 10.31 A.M., in which Parveen Kumar is referring me as Naib Reader and is using derogatory/wrong words and is threatening and is saying that, "Naib Reader your wife may not caught while accepting bribe in the department because when she will be caught its witness would be Master Parveen Kumar, you will not able to get your wife releases, shall sent directly to Tajpur Jail. In the end of the video he is saying that now my Game starts." the video is uploaded in the Pen drive and is submitted for examination please. Parveen Kumar is using derogatory words against me and my family (Wife) in the

video is creating disturbance, harassment, inconvenience. With which I have to face disgracefulness. It clarifies from the threats given by Parveen Kumar that Parveen Kumar can cause loss to life and liberty of me and my family members at any time. IN case in future any loss is caused to the life and liberty of me and my family then Parveen Kumar shall be responsible for the same, in this connection in the video Parveen Kumar in his video is seen clearly giving threats. Apart from that Parveen Kumar can viral a video by making it and by viral it on the social media. Which is causing bad effect upon the life of me and my family. Therefore, it is humbly submitted that a case may be registered against Parveen Kumar under I.T. Act 2000 and concerned sections of BhartiyeNayanSanhitafor making a video against me and my family and viral it on the social media, threatening me during performing duty, causing harassment by obstructing me in performing my duty and justice may be served to me. Enclosed Pen drive. Yours obediently, Sd/- Head Constable Baldev Singh.”

SUBMISSIONS:

ON BEHALF OF THE PETITIONER:

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR only as a consequence of an earlier FIR No. 44 dated 30.04.2024 registered under Sections 177, 406, 420, 120-B and 506 IPC(Sections 66A and 67A of IT Act added later on) which was registered at the behest of the complainant Munish Sharma against the petitioner and his wife and was subsequently quashed by the coordinate bench vide order dated 29.07.2024 in CRM-M-31419-2024(Annexure P-2). He further contends that the matter revolves around a land dispute and the present FIR is only an absurd attempt to harass the petitioner.

ON BEHALF OF RESPONDENT-STATE:

Learned State counsel appearing in advance accepts notice on behalf of the state and prays for dismissal of the present application wherein specific role has been attributed to the petitioner alleging to have used derogatory words against the complainant for which his custodial interrogation is required.

4. Heard learned counsel for the parties at length.

5. **ANALYSIS AND CONCLUSION**

Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner.

Moreover, it is settled proposition of law that power exercisable under Section 438 Cr.P.C., is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of ***Andhra Pradesh vs. Vimal Krishna Kundu, AIR 1997 SC 3589***, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in ***Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598***, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is

dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

6. In view of the seriousness of the allegations, the custodial interrogation of the petitioner is certainly required. Therefore, I find no merit in the petition and the same is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

04.09.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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