

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48189-2024
Reserved on: 16.10.2024
Pronounced on: 28.10.2024

Jaspreet Kaur ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sylvester Stephen, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
19	23.06.2023	State Cyber Crime, Mohali	420/120-B/384/170/506/201/389 IPC and 66-D of IT Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 21 of the status report filed by the State, the accused has the following criminal antecedents:

Sr. No	FIR No.	Date	Offenses	Police Station
1	60	23.03.2022	384/34 IPC	City-2 Mansa, Mansa, Punjab
2	269	09.11.2023	384/506/120-B IPC	City-2, District Mansa, Punjab
3	18	25.01.2014	384/506/420/465/467/468/471/120-B IPC	City-2, District Mansa, Punjab

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That, in February 2022, the complainant received a WhatsApp video call on his mobile number "9814012093" from Manpreet's WhatsApp number '9056176726' and found that an adult/porn video was playing on other side, the complainant quickly disconnected the call.

5. *That, on 10th March, 2022, Manpreet called the complainant in her aunt's house in Mansa, where apart from Manpreet, one more woman namely Jaspreet (petitioner) who introduced herself as her mother of Manpreet and two men who introduced themselves as Sukhpreet Singh and Gurpyar Singh, were present. By showing a video to the complainant in which his (complainant's) face was on half of the screen and a porn video was on the other half, they threatened the complainant that they would put the video on social media everywhere and file a case of sexual harassment against him. The Complainant further disclosed that the video was of that day when he received a WhatsApp call from Manpreet on which an adult video was playing.*

6. *That, the complainant alleged that on pretext of threat of circulation of aforementioned video and filing of sexual harassment/rape case against the him, the amount of approximately Rs 65,00,000/- was extorted from him by above mentioned gang."*

4. 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.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"16. That, on 10.04.2024 Petitioner/accused was arrested and during the interrogation, she disclosed that she has cheated the complainant by impersonating as the mother of co-accused Kiranpal Kaur @ Manpreet Kaur and above mentioned Ram Singh @ Sukhpreet, Kiranpal Kaur @ Manpreet and Harinder Singh are her gang members. They had divided all the money duped from the complainant amongst themselves.

19. That, on 11.03.2022 petitioner/accused sent Rs 30,000/- to co-accused Harpinder Singh in his HDFC Bank account no 50100364081807 from her Punjab National Bank account 17072191020143. Apart from, this in the Forensic Report of mobile set of accused Ram Singh found that mobile number and copy of Aaddhar card of petitioner/accused is saved in the mobile phone of accused Ram Singh and petitioner/accused had called multiple time to complainant from her mobile no. 8556816276 to complainant's mobile no. 9814012093. From these above mentioned fact, it has been cleared that petitioner/accused is the gang members of above mentioned gang and they had cheated complainant."

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. Per the custody certificate dated 15.10.2024, the petitioner's total custody in this FIR is 06 months 03 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further 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 concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned 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.

12. 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.

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

14. 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.

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

28.10.2024
Jyoti Sharma

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No.