

105-2

2025 PHHC 004729



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1715-2025
DECIDED ON: 15.01.2025

KAHAN SINGH THROUGH SPECIAL POWER OF ATTORNEY
PARAMJIT KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Kumar Walia Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in F.I.R. No. 91 dated 03.08.2024 under Section 420, 465, 467, 468, 471, 120-B, 309, 511, 342 of IPC and Section 66(e) of The Information Technology Act, 2000 registered at Police Station City II, Malerkotla, District Malerkotla.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“At present it is recorded that an order number 469/O.P dated 08.07.2024 from SSP Sahib Malerkotla has been received vide post on the application of Jagjit Singh son of Jarnail Singh, resident of Bardwal presently resident of Hargobind Nagar, opposite Grid Wali Street, Dhuri etc. against Jaspreet Singh son of Kahan Singh, Kahan Singh son of Chhota Singh and Paramjit Kaur wife of Kahan Singh, residents of Abdullapur Chohane etc., whose contents are as under: To,

Worthy S.S.P. Sahib, Sangrur. Subject: Application against Jaspreet Singh Mob: +919915806608, +919463509213 son and Kahan Singh Mob: +966554737564 and mother Paramjit Kaur alias Rani Mob: +918283902069, sister Veerpal Kaur Mob: +919717496608 residents of Abdullahpur Chauhane, Tehsil and District Malerkotla regarding blackmailing and defaming and harassing our girl who is in abroad. Sir, It is submitted that we, Jagjit Singh son of Jarnail Singh and Harjit Kaur wife of Jagjit Singh, are residents of Bardwal, presently residents of Hargobind Nagar, Opposite Grid Wali Gali, Dhuri, Tehsil Dhuri, District Sangrur and we had sent our daughter Komalpreet Kaur, age 20 year to abroad Australia on study visa by spending our own and even now our daughter is studying in Australia. That a few days ago, our daughter told us that a boy Jaspreet Singh Jassu son of Kahan Singh, resident of Abdullahpur Chauhane, District Malerkotla [who, in relation is our Dohta (sister's son)], and his mother Paramjit Kaur alias Rani and sister Veerpal Kaur and father Kahan Singh by luring/ persuading my daughter and acceded in their talks, called her from Australia to Punjab and the above said boy Jaspreet Singh performed court marriage to our daughter Komalpreet Kaur and our daughter returned to Australia, now our daughter Komalpreet Kaur has told all this conversation to us and after that Komalpreet Kaur applied the visa file of the above said boy Jaspreet Singh twice, but the file was rejected, due to which Jaspreet Singh could not go abroad and after that our daughter Komalpreet Kaur told us that now Jaspreet Singh Jassu and his parents and sister are harassing our daughter. Jaspreet Singh is threatening our daughter to commit suicide and by uploading obscene photos of our daughter on social media is defaming to us and our daughter and by making fake. ID on Instagram of our daughter is defaming in the public by uploading obscene photos and a friend of my daughter has gone to Canada, my daughter is being defamed on her mobile too. After which this news has spread among all our relatives. There is full involvement of parents and sister of above said boy Jaspreet Singh Jassu in this task and in these days Jaspreet Singh has gone to Saudi Arabia, and her parents are getting everything done from here, due to which now our daughter is very scared and she is suffering from depression and the above said Jaspreet Jassu and his parents are demanding Rs.8 Lakhs from her, whereas we ourselves had spent money to send our daughter abroad. Before this, we both the parties had executed a compromise at police Station Sandaur, the photocopy of which is enclosed herewith. But after the compromise, these persons again started defaming and blackmailing us. Therefore, by submitting the application it is requested that appropriate legal action should be taken against the culprits and our daughter should be protected, and they should be stopped for defaming her without any reason. We shall be thankful to you. Date: 29.4.2024. Yours faithfully, Sd/- Jagjit Singh son of Jarnail

Singh and Sd/-Harjeet Kaur wife of Jagjit Singh, residents of Bardwal, presently resident of Hargobind Nagar, Opposite Grid Wali Gali, Dhuri, Tehsil Dhuri, District Sangrur Mob: 9465618285. Thereupon, Worthy S.S.P. Sangrur had written to DSP H&F Sangrur, "after conducting the inquiry take appropriate action. On which, DSP H&F wrote in his report that recommended: After conducting inquiry on the above said statement, on finding the offence punishable under Section 420, 465, 467, 468, 471, 120B, 309, 511, 506, 342 IPC and 66E-IT ACT, by registering the FIR against Jaspreet Singh son of Kahan Singh, Kahan Singh son of Chhota Singh and Paramjeet Kaur wife of Kahan Singh, residents of Abdullapur Chauhane further action should be taken. During investigation regarding this matter, if the connivance of officials of Sewa Kendra 786 Malerkotla and Tehsil office of Ahmedgarh was found, then it is recommended to take legal action against them also. But due to the place of occurrence is 786 Sewa Kendra Malerkotla, therefore, the case has been found to be related to district Malerkotia. Therefore, it is recommended to send this application to Worthy SSP Malerkotla for further action. The report is presented. Sd/-Deputy Superintendent of Police, PBI Homicide and Forensic Sangrur, dated 26.6.2024, on which SSP Sangrur sent letter No. 1181/PC dated 5.7.2024 to office of SSP Malerkotla for further action, whose content is as under: To, Senior Superintendent of Police, • Malerkotla No. 1181/PC Dated 5.7.2024 Subject: Inquiry report regarding the application from Jagjit Singh son of Jarnail Singh, resident of Bardwal presently resident of Hargobind Nagar, opposite Grid Wali Street, Dhuri etc. Memo: Reference this office P.G.D. No. 341559 regarding the above mentioned subject, the application is enclosed herewith. The application under the above said subject, was given by Jarnail Singh, resident of Bardwal presently resident of Hargobind Nagar, opposite Grid Wali Street, Dhuri etc. to this office about alluring Komalpreet Kaur daughter of applicant by Jaspreet Singh alias Jassu son of Kahan, resident of Abdullapura Chauhane etc. while calling from Australia to Punjab, by getting prepared the forged and fake documents got prepared the Marriage Certificate fraudulently, by leveling the allegations of blackmailing and defaming the daughter. From the inquiry, it was found that as place of occurrence is at 786 Sewa Kendra, Malerkotla, it is found to be related to Malerkotla. Therefore, the application, inquiry report and related documents are being sent to you for further action. On which Worthy SSP Malerkotla wrote to DSP Malerkotla For N/A as per law & report Sd/- Senior Superintendent of Police Malerkotla dated 8.7.2024, on which DSP wrote in his inquiry report from Deputy • Superintendent of Police, Sub Division Malerkotla. Senior Superintendent of Police, District Malerkotla. No. 562 P.D.S.P. Malerkotla Dated 29.07.2024 Subject: Application No. 469/0.P dated 08.07.2024 by Jagjit Singh son of Jarnail Singh, resident of Barwal presently resident of Hargobind

Nagar, Opposite Grid Wai Street, Dhuri, District Sangrur. Sir, It is requested that the application duly attached bearing No. 469/O.P dated 08.07.2024 by Jagjit Singh S/o Jarnail Singh, resident of Barwal, presently resident of Hargobind Nagar, Opposite Grid Wali Street, Dhuri, District Sangrur against Jaspreet Singh son of Kahan Singh, resident of Abdullapur Chohane etc., who by luring the girl called Australia to Punjab, by getting prepared forged and fake document fraudulently got prepared Marriage certificate and regarding blackmailing and defaming the girl, the inquiry has been conducted by Deputy Superintendent of Police, P.B.I. Homicide and Forensics Sangrur and from the inquiry, being the incident place is 786 Chowk, Sewa Kendra, Malerkotla, has been received for further necessary action. From the inquiry conducted by Deputy Superintendent of Police, PBI Investigation of Homicide and Forensics, Sangrur, it has been found that Marriage (Anand Karj) Certificate, Serial No. 07 dated 13.04.2023 of Shri Jaspreet Singh son of Kahan Singh, resident of Abdullapur Chuhane, Post Office Shergarh Cheema, Tehsil Ahmedgarh and Komalpreet Kaur daughter of Jagjit Singh, resident of village Barhwal, Tehsil Dhuri got prepared fraudulently and regarding this marriage certificate the documents put on file bearing Serial No. EST6148072 regarding marriage certificate of Shri Jaspreet Singh son of Kahan Singh, resident of Abdullapur Chuhane, Post Office Shergarh Cheema, Tehsil Ahmedgarh and Komalpreet Kaur daughter of Jagjit Singh, resident of village Barhwal, Tehsil Dhuri, has been got issued from Tehsildar Ahmedgarh. From the above said statement the offence punishable under Section 420, 465, 467, 468, 471, 120B, 309, 511, 506, 342 /PC. 66E of IT ACT has been found and the case has to be got registered against the opposite party Jaspreet Singh son of Kahan Singh, Kahan Singh son of Chhota Singh and Paramjeet Kaur wife of Kahan Singh, resident of Abdullapur Chohane. During the investigation regarding this matter, if any connivance of officials of Sewa Kendra, 786 Chowk, Malerkotla and Tehsil Office, Ahmedgarh is found, then it is recommended to take appropriate legal action against them also. During the inquiry of the above said application, both the parties involved in the inquiry and heard and statements of the applicant Jagjit Singh and Opposite Party Paramjit Kaur abovesaid have been recorded, which are enclosed with the report for perusal. I am agreed with the inquiry conducted by Deputy Superintendent of Police, P.B.I. Homicide and Forensic, Sangrur. If any connivance of personnels/officials of Sewa Kendra, 786 Chowk, Malerkotla and Tehsil Office, Ahmedgarh, then they should be considered during the investigation of the case and the appropriate legal action should be taken. Therefore, if approved, then by registering the case under Section 420, 465, 467, 468, 471, 120B, 309, 511, 506, 342 I.P.C. 66E of IT ACT against Jaspreet Singh son of Kahan Singh, Kahan Singh son of Chhota Singh and Paramjeet Kaur wife of Kahan Singh, resident of Abdullapur Chauhane, the

appropriate orders may kindly be issued to Station House Officer, Police Station City-2, Malerkotla for conducting the investigation. The report is submitted for appropriate orders. Sd/- Deputy Superintendent of Police, Sub Division Malerkotla, Dated 29.7.24. On which SSP Malerkotla marked, SHO City 2 register FIR and investigation. Sd/- Senior Superintendent of Police, Malerkotla, dated 1.8.2024. On receipt of orders for registration of above said case, under above said offences against Jaspreet Singh, Kahan Singh, Paramjit. Kaur abovesaid, the case is registered, completion of record was made and record got entered. The Control Room, Malerkotla is being intimated. The copies of FIR are being sent to Ilaqa Magistrate and senior police officers. The case file along with original orders and FIR is being handed over to Station House Officer INSP Sikandar Singh for further investigation.”

3. **Contention**

On behalf of the petitioner

It is contended that the petitioner has been falsely implicated at the instigation of the complainant. He submits that no offence is made out against the petitioner as the daughter of the complainant was in relationship with Jaspreet Singh and they solemnized the marriage. He further submits that the petitioner has no role in the solemnization of marriage of Jaspreet Singh and Komalpreet Kaur. The petitioner has expressed his willingness to join the investigation. Accordingly, the counsel has prayed that the present bail petition be granted.

Notice of motion.

On behalf of the State/complainant

Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and seeks dismissal of the present petition on the ground that the allegations against the petitioner are serious of in nature, therefore, his custodial interrogation is required.

Mr. V.G. Jawhar, Advocate has put in appearance on behalf of the complainant and filed his Power of Attorney, which is taken on record.

4. **Analysis**

Be that as it may, having given a considerable thought to the fact that no recovery is to be effected from the petitioner and he is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein the petitioner has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

15.01.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>