



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-52636-2024 (O&M)
Reserved on: 19th December 2024
Date of decision: 20th January 2025

S.P. SINGH @ HAPPYPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. This is the second petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of anticipatory bail to the petitioner in case FIR No.224 dated 16.12.2023, under Section 420 IPC, 1860 (Section 376 IPC added later on vide DDR No.21 dated 01.02.2024), registered at Police Station City Jalalabad, District Fazilka (Annexure P-1).

2. The first petition bearing No.CRM-M-9321-2024, filed under Section 438 Cr.P.C., was dismissed as withdrawn vide order dated 22.05.2024 (Annexure P-9).

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. The prosecutrix was forcing the petitioner to solemnize marriage with her. However, the petitioner is now married with another girl namely Amandeep Kaur. The petitioner and his wife had earlier filed a petition in this Court bearing No.CRWP-11231-2023,



(Annexure P-3), was passed, directing the Senior Superintendent of Police, Ferozepur, to look into the threat perception and take necessary steps in accordance with law.

3.1 It is further contended that there is a delay of two months in lodging the FIR, which has not been explained.

4. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Referring to the status report dated 21.11.2024, it is contended that during the investigation, it was found that on 28.10.2023, the complainant/prosecutrix was taken by the petitioner on his motorcycle to Grain Market, Jalalabad and the petitioner is alleged to have committed sexual intercourse with her against her wishes. As per the supplementary statement of the complainant recorded on 09.05.2024, the complainant has alleged that in order to defame her, the petitioner had uploaded her photographs and videos on the social media application "Instagram". The prosecutrix produced her mobile phone along with a pen drive, which revealed that the petitioner had uploaded his objectionable photographs and video with the complainant on his ID namely "gappugappi6135" on the social media application. Thereafter, the offence under Section 67 of the Information Technology Act, 2000, was added vide Rapat No.53 dated 09.05.2024.

5. I have heard the learned counsel for the parties and perused the paper book.

6. It is the case of the prosecutrix that when she was studying in BA-II, she got acquainted with the petitioner, who allured her to solemnize



marriage with her. The petitioner used to click her photographs and made physical relations with her on the pretext of solemnizing marriage with her.

6.1 It is also an allegation that on 28.10.2023, the petitioner called the prosecutrix to Jalalabad and they met in the Grain Market, Jalalabad. The petitioner is alleged to have committed rape upon the prosecutrix against her wishes in a room constructed in the Grain Market. Thereafter, she was dropped at the bus stand. It is further alleged that thereafter, the petitioner solemnized marriage with another girl and the petitioner is also alleged to have uploaded objectionable photographs and video of the prosecutrix with the petitioner on the social media.

7. No doubt, the prosecutrix is major. However, the allegations that the objectionable photographs and video of the petitioner and the prosecutrix have been uploaded on the social media, are grave in nature. The recovery of the mobile phone of the petitioner is yet to be effected. The petitioner, having solemnized marriage with another female, is no ground to grant the concession of anticipatory bail, especially in view of the fact that the personal photographs and the video of the prosecutrix allegedly recorded by the petitioner, have been uploaded and made public on the social media.

8. Consequently, the present petition stands dismissed.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20th January 2025
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