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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-61556-2024
Date of Decision:-20.01.2025

SARABJEET KAUR

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amitabh Tiwari, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. H.S. Rakhra, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
129	02.10.2024	66E, 67 and 67A of Information Technology (Amendment) Act 2008	Urban Estate, District Patiala, Punjab

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that as per allegations levelled in the FIR, alleged occurrence relates to December 2022 and the matter *inter-se* petitioner and complainant was



settled and the statement to this effect was given by the complainant on 03.07.2023. He contends that the present FIR was registered after 20 months from the date of alleged incident and is abuse of process of law after the aforesaid compromise (Annexure P-2) having already been effected. Hence, prays for grant of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, have assailed these arguments by submitting that there are specific allegations against the petitioner of having prepared an obscene video of the complainant and circulating the same amongst various employees of the University regarding which the University had to issue circular which is evident from the statement of complainant (Annexure P-3) which is based on the said compromise (Annexure P-2). They contend that the instant FIR was registered on the basis of complaint moved by the complainant to Punjab State Women Commission and another complaint moved to Punjab State Scheduled Caste Commission on the basis of which inquiry was conducted and instant case was registered. It is specifically alleged by the complainant that the petitioner has sent obscene video on whatsapp to various employees of the University namely Vijay Singh, Feroz Akhtar and Jaspreet Singh. They contend that custodial interrogation of the petitioner is required to address the chain of circulation of obscene video which was sent viral by the petitioner, hence prayed for dismissal of the present petition.

5. After considering the arguments and perusing the record, it transpires that the present FIR was registered on the allegations levelled by the complainant that after the death of her husband in 2019 she was given



compassionate appointment in University as peon where she was working with the petitioner. The petitioner had been asking her to re-marry but she refused then she introduced her to one Daljeet Singh who took her to a hotel and made obscene video. The petitioner alongwith said Daljeet Singh used to threaten the complainant of dire consequences if she did not live with him, however, the complainant requested to delete the video, saying she would not take any action.

6. It is evident from the perusal of reply submitted by the State that the instant FIR was registered after a thorough inquiry conducted by the DSP in the matter on the direction of Punjab State Scheduled Caste Commission which has referred the complaint to Bureau of Investigation. There are specific allegations against the petitioner of having made viral the obscene video of the complainant and in this regard the police had already recorded the statements of some of the employees of University to whom the petitioner had alleged to have circulated. Therefore, considering the serious nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.01.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No