

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

CRM-M-7942-2022 (O&M)

Date of Decision:- 8.9.2022

Amanpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. M.K.Sharma, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Jasvir Singh.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 118 dated 6.7.2021 under Sections 465, 468, 471, 199, 200 IPC and Section 67 of the Information Technology Act, 2000 at Police Station Sadar Hoshiarpur, District Hoshiarpur.
2. The FIR was lodged at the instance of Kanchan, wife of Mandeep wherein it is alleged that Aman's wife had come to her house and had taken her mobile No. 81968-14108 and passed on the same to her husband and now her husband Aman had been harassing her by making phone calls and infact he has passed on her mobile number to some other persons as well and she had been receiving phone calls and *Whatsapp* messages from different numbers. She has disclosed one such number is 62894-40938. The

complainant, thus, prayed that necessary action be taken. It is further the case of prosecution that during the course of investigation, they recorded the statement of Amanpreet Singh (petitioner), who disclosed that he is maintaining two phone numbers i.e. 75298-50133 which he was using since the last 8-10 years and another number i.e. 62841-05627 which he was using since the last 6-7 months. He further stated that he was having one mobile phone of Brand '*Redmi*' since the last 8-10 years and that he has never kept any phone of Brand '*VIVO Y-15*'.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to show that he had sent any obscene message to the complainant from his phone.
4. On the other hand, the learned State counsel, upon instructions from ASI Jasvir Singh, has submitted that the police during the course of investigation had collected call details in respect of both the phone numbers used by the petitioner and had thoroughly scrutinized the same and upon scrutiny, it had transpired that the phone numbers of the petitioner i.e. 75298-50133 and 62841-05627 were being used in two different instruments having IMEI Nos. 86982203126577 and 86100104508889. It has been submitted that upon scrutiny of the said details, it further surfaced that some of the messages received by the complainant from another mobile number i.e. +994405340361 had been sent with a device having IMEI No. 86100104508889 and which is infact IMEI of one of the two instruments used by the petitioner, while using his phone nos. 75298-50133 and 62841-05627.

5. This Court had considered rival submissions addressed before this Court.
6. The police has conducted scientific investigation in the present matter and has collected call details record/IMEI in respect of SIM numbers used by the petitioner and also in respect of the number from which the complainant had received obscene messages i.e. phone no. +994405340361 and it is clearly borne out that the instrument used for sending obscene messages from +994405340361 is the same one which was being used by the petitioner for his mobile numbers 75298-50133 and 62841-05627. As such, the complicity of the petitioner is clearly evident. The petitioner had been granted interim bail by this Court vide order dated 24.2.2022. When the order dated 24.2.2022 was passed, the counsel for the petitioner had specifically undertaken that he will handover his phone number and SIM card to the investigating agency during investigation but till date, he has not done so. Even on the last date i.e. on 5.4.2022, this Court had directed the petitioner to handover his mobile phone and SIM card failing which his interim protection shall be vacated. Even, thereafter, on 25.4.2022, a similar warning was issued to the petitioner but to no avail as the learned State counsel has informed that till date he has not handed over his mobile phone and SIM card.
7. Having regard to the fact that during the course of investigation, the police has collected sufficient reliable evidence to establish the complicity of the petitioner and the petitioner otherwise has not been cooperating, though specifically directed to do so and also having undertaken to do so, this Court does not find any special case for grant of anticipatory bail.

8. The petition is sans merit and the same is hereby dismissed.

8.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No