

239 CRM-14041-2021 in
CRM-M-8173-2021

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VISHALI KAPOOR AND ORS VS STATE OF PUNJAB AND
ANOTHER

Present: Ms. Ritu Punj, Advocate
for the applicant(s) petitioners.
Mr. Amar Ashok Pathak, Addl., A.G., Punjab.
Mr. Aakash Yadav, Advocate for
Mr. Abhinav Gupta, Advocate
for the complainant.

[1]. The case has been taken up for hearing through
video-conferencing.

[2]. During course of hearing in CRM No.14041 of 2021
in CRM-M No.8173 of 2021 on 14.07.2021, some tweets were
brought to the notice of this Court by learned counsel for the
petitioner. On being put to learned counsel for respondent no.2,
he sought time to verify the same.

[3]. Petitioner Vishali Kapoor filed CRM-M No.32671 of
2020 for grant of anticipatory bail in case bearing FIR No.150
dated 06.08.2020 under Section 306 IPC, Police Station
Kotwalia, Nabha, District Patiala. The Co-ordinate Bench of this
Court vide order dated 29.10.2020 issued notice of motion and
granted interim anticipatory bail to petitioner Vishali Kapoor
subject to her furnishing personal bond and surety bond to the
satisfaction of the Investigating Officer. The case came up for
hearing before this Court on 04.12.2020. Learned State counsel

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on instructions from ASI Gursewak submitted before this Court that Vishali Kapoor had joined the investigation and she was not required for any further investigation in the case. Learned counsel for the complainant, however, opposed the bail on the ground that after grant of interim bail, Ambala police had adopted in-different attitude against the entire family of the complainant.

[4]. In view of stand taken by learned State counsel, this Court vide order dated 04.12.2020 confirmed the order dated 20.10.2020. It was observed that if the complainant is aggrieved of any act of Ambala Police, he may resort to his legal remedies in accordance with law. For ready reference, the entire order dated 04.12.2020 is reproduced hereunder:-

“The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.150 dated 06.08.2020 registered under Section 306 IPC at Police Station Kotwalia, Nabha, District Patiala.

On 29.10.2020, following order was passed by the Coordinate Bench (HMJ Anil Kshetarpal):-

“CRM Nos. 26328, 26338 and 26349 of 2020
Allowed as prayed for.

Main case

The petitioner pray for grant of pre-arrest bail in a criminal case arising from FIR No.150, dated 6.8.2020, registered under Section 306 IPC at Police Station Kotwali, Nabha, District Patiala.

The petitioner's father-in-law is alleged to have committed suicide, leaving behind a suicide note. On careful reading of the suicide note, it is apparent that normal wear and tear of family life were not have been taken in the correct perspective by the deceased. The petitioner was married to the deceased's son on 11.3.2020. Thereafter, due to spread of COVID-19, lockdown and curfew was imposed. No doubt, the petitioner did lodge a complaint with the police leveling certain allegations, however, the deceased over reacted.

Notice of motion.

On the request of the Court, Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Mr. P.S.Ahluwalia, Advocate, has put in appearance on behalf of the first informant.

Adjourned to 25.11.2020.

Keeping in view the aforesaid facts, it is considered appropriate that let the petitioner join investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety

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*to the satisfaction of Arresting/Investigating
Officer. However, the petitioner shall join the
investigation as and when called upon to do so
and shall abide by the conditions as provided
under Section 438(2) Cr.P.C.”*

Learned State counsel on instructions from ASI Gursewak Singh submits that the petitioner has joined the investigation and she is no more required for further investigation in the case.

Learned counsel for the complainant states that after grant of bail, Ambala police has adopted in-different attitude against the entire family of the complainant.

In view of statement made by learned State counsel, the petitioner is not required for any further investigation, however complainant if aggrieved by any act of the Ambala police, may resort to his legal remedies in accordance with law.

In view of aforesaid factual position, the interim order dated 29.10.2020 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and she shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.”

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[5]. Learned counsel for the complainant submits that order dated 04.12.2020 was not assailed by the complainant, however, he submits that his office has given NOC to the complainant owing to the tweets made by him in social media against the present Court with photograph(s).

[6]. Today, learned counsel for the petitioner has supplied the screen shots of the tweets made by the complainant. Tweets are shown to have been made in the name(s) of Harry facts @ India... July 9, Ambar MRA/MGTOWIndiaO... July 8, Harry facts @ India... July 9, MRA @Vishal05943389 Jul 9, Akshay Dhawan @ lamAksha... Jul 9, Road Runner @iwinfairly Jul 9, MRA @Vishal05943389 Jul 9, The Man @Ronydb3 Jul 8, No name @Vishal05943389, Defund the Feminist, Road Runner @iwinfairly, Vishal @Vishal05943389 Apr 11, Vishal @Vishal05943389. Photocopies of the tweets are collectively attached in an enclosed envelope.

[7]. It appears that aforesaid tweets were made only after listing of CRM No.14041 of 2021 in CRM-M No.8173 of 2021 when notice of the application was issued for 12.07.2021.

[8]. In view of nature of tweets allegedly made, it would be just and appropriate to enquire into the genuineness and

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authenticity of the tweets i.e. whether these tweets have been made by respondent No.2 or not. Learned Registrar Vigilance is directed to get the aforesaid tweets enquired into by the competent authority within three weeks. He would be at liberty to seek assistance of the police or any other expert in this regard. Report to that effect be brought on record.

[9]. In view of aforesaid facts and circumstances of the case, the matter be listed before some other Bench on 16.08.2021 after obtaining necessary orders from Hon'ble the Chief Justice.

10.08.2021

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(RAJ MOHAN SINGH)

JUDGE

सत्यमेव जयते