

Criminal Misc. M- No. 22985 of 2017 (O&M)

Date of decision : August 18, 2017

Mohan Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. N.S. Swaitch, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 56 dated 04.05.2017 registered under Sections 66(E), 67, 67(A) of Information and Technology Act, Sections 354C, 500, 501 IPC and Section 6 of Indecent Representation of Women (Prohibition) Act at Police Station Koom Kalan, Police Commissionerate, Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case merely out of political vendetta. As per the allegations in the FIR, the petitioner in connivance with other persons is alleged to have released an obscene video of about 26 seconds regarding the complainant and uploaded it on the social media. It is contended by learned counsel for the petitioner that the complainant in an earlier application submitted by her did not name any person as an accused. Thereafter, the present petitioner has been named by her in a mala fide manner. Moreover, there is no evidence to show that the video in question was ever uploaded by the present petitioner.

Learned counsel submits that on inquiry, it has come to notice that the said

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video was uploaded on the Internet on 02.06.2010 and has been available thereon since then till 20.04.2017, when it was removed. The petitioner, it is submitted, is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant submits that there was a deliberate attempt on the part of the petitioner to defame the complainant just before the elections. Therefore, this petition should be dismissed.

This matter was adjourned on 24.07.2017 to enable the learned counsel for the State to verify the averment of the petitioner regarding the video in question being uploaded since the year 2010.

Learned counsel for the State, on instructions from ASI Malkit Ram, verifies that the video in question has indeed been uploaded since June 2010 and was deleted in April, 2017. It is verified that the petitioner is not involved in any other criminal case. Final report under Section 173 Cr.P.C. in this case has already been filed against the petitioner. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of

the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

August 18, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No