

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

**CRM-M-10041 of 2018 (O&M)
Date of Decision: 21.03.2018**

Sonu

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rishu Mahajan, Advocate
for the petitioner(s).

Mr. K.S. Aulakh, DAG, Punjab.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No.6 dated 05.01.2018 registered at Police Station Basti Bawa Khel, Jalandhar under Sections 376, 394-C and 292 of IPC and Sections 8/10 of POCSO Act, 2012 & Sections 66-E, 67, 67-A of IT Act.

Learned counsel for the petitioner contends that the complainant is married and her marriage took place in June, 2017 and she is referring to the incidents of 2015 when she was studying in 10th class and all the allegations pertains to the earlier period. Counsel urges that the petitioner has handed over his mobile phone to the police and he had not sent any obscene message from his mobile and the allegations are false.

On the last date of hearing, the Investigating Officer was asked to be present in the Court. A query was also posed whether the police had collected the video clip from the husband of the complainant. The Investigating officer states that the husband of the complainant had refused

to give the mobile phone but he has provided a CD which has been sent to the Forensic Science Laboratory. It is further stated that it is a obscene video and the face of the prosecutrix can be seen in it and no other reason. It is also stated that no evidence could be collected that the video had been uploaded on the internet. Report of the FSL has not been received. The husband of the complainant has not handed over his mobile to show that the message/obscene video was received from petitioner's mobile.

The incidents mentioned in the FIR relate to the year 2015. The police is yet to get the CD verified. Bail is allowed to the petitioner for the present. Petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate. In case adverse FSL report is received, State can move for recall of this order.

Meanwhile, petitioner would not in any manner either directly or indirectly contact the prosecutrix or her family.

March 21, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No