

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

224

CRM-M-11234-2019

Date of Decision:19.03.2019

Jaspal Singh @ Billa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.**

Mr. Jagmohan Ghumman, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral).

Prayer in this 2nd petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.25 dated 27.01.2018 under Sections 376, 384, 354-C, 506 IPC read with Section 4 of the POCSO Act, 2012, registered at Police Station Meharbaan, Ludhiana.

The earlier petition filed by the petitioner i.e. CRM-M-26727-2018 was dismissed as withdrawn vide order dated 30.07.2018.

Learned counsel for the petitioner states that there is no allegations against the petitioner that he has committed rape upon the prosecutrix and the allegation of rape if any is against Sandeep Kumar @ Sonu, Ashwani Kumar @ Ashi and Surinder Pal alias Jaggu. Charges in the case were framed on 18.08.2018. There are total 20 witnesses cited by the prosecution, but none of the witness has been examined so far.

Learned State Counsel on instructions from SI Jasbir Singh

does not dispute the fact that charges in the case have been framed and no

witness has been examined so far and the case is now fixed for 26.03.2019. He further states that the report of the I.T. Cell is awaited in the case so as to ascertain as to whether the offence under Information and Technology Act has been committed by the petitioner or not.

Heard learned counsel for the parties.

The petitioner is in custody since 12.02.2018 and there is no allegation of rape against the petitioner. The allegation against the petitioner is that he has circulated the obscene photographs of the prosecutrix and Sandeep Kumar @ Sonu on whatsapp and facebook. This Court finds that in the absence of report from the I.T. Cell, petitioner deserves to be admitted on bail, more particularly when there is no allegation of rape against him.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

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March 19, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No