

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

CRM-M-6132 of 2020.

Decided on:- February 17, 2020.

Mohit Sehgal.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.219 dated 30.11.2019 under Section 376 IPC and Section 66-E of the Information Technology Act, 2000 (Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station B Division, District Amritsar.

Learned counsel for the petitioner has argued that the prosecutrix was having friendship with the petitioner for quite long time and when the petitioner and his family were virtually ready to perform the marriage of the petitioner with the prosecutrix and even the date of marriage was fixed as 30.11.2019, the father of petitioner suddenly admitted in EMC Super Speciality Hospitals Pvt. Ltd., Amritsar on 29.11.2019 with complaint of severe hyperslyeaemi and hypertension. Therefore, the marriage could not be performed on 30.11.2019 and necessary intimation was sent to the family of the prosecutrix, but instead of getting the date of marriage postponed, they

have got registered the present FIR. He has referred the copy of certificate dated 01.02.2020 (Annexure P-2) issued by the said hospital to support his contention.

He has further argued that the petitioner is in custody since 08.12.2019 and the date of birth of the prosecutrix is 23.02.2000 and this manner, she was major and the relations between the petitioner and the prosecutrix were consensual. Even as per the Aadhar Card and matriculation certificate, the date of birth of the prosecutrix is 23.02.2000 and it is for this reason, she has not opted for ossification test as she was conscious of the fact that she is major.

Learned State counsel does not dispute the custody. She submits that the medical report of the prosecutrix is awaited. The petitioner had relations with the prosecutrix on false promise of marriage and there are allegations that he had prepared obscene video of the prosecutrix and by putting her under the threat of making her video viral on internet, he continued to develop physical relations with the prosecutrix.

I have heard learned counsel for the parties.

The petitioner is in custody since 08.12.2019. The charge has been framed in the case and no prosecution witness has been examined so far. The parties were otherwise known to each other and it is on account of some differences between them, the marriage of petitioner and the prosecutrix could not be solemnised. No charge under the Information Technology Act, 2000 has been framed against the petitioner. Therefore, this Court finds that when the culpability of the petitioner is yet to be established during the trial, no useful purpose would be served by keeping him in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

February 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No