

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-27292-2020 (O&M)

Date of decision: 11.11.2020

Satnam Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Ms. Gursharan Kaur Mann, Advocate
for the complainant.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner – Satnam Singh, stated to be aged 24 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.47 dated 08.03.2020 under Sections 376-D, 506 IPC and 66-E Information Technology Act, 2000, registered at Police Station B Division, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner based on pleadings submits that the allegations in the FIR are in fact false and baseless. It is then contended that no specific allegations have been made in the FIR, rather he has relied on documents Annexures P2 and P3 to support the plea that complainant had voluntarily been going with the petitioner to places as they were in love affair

with each other.

Records of the case show that on 18.09.2020, this Court had passed the following orders:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Learned counsel for the petitioner, complainant and State counsel having address arguments, a gazetted officer is directed to file a reply, giving therein the entire details of the investigation carried out, including any evidence gathered that the photographs as are stated to have been recovered from the mobile phone of the petitioner, were circulated to anybody.

Adjourned to 30.10.2020.”

In pursuance to the directions, reply by way of affidavit of Jaspreet Singh, PPS, Assistant Commissioner of Police, East, Amritsar City, has been filed dated 23.10.2020. In paras 6 and 7 of the reply, it has been stated as under:-

“6. That it is humbly submitted that during the course of investigation carried out in the aforesaid case, the complainant/prosecutrix was asked by the Investigating Officer to give details of her relatives and friends, to whom the accused/petitioner had allegedly sent her obscene photographs, but the complainant/prosecutrix stated that her no relative and friend is now ready to record the statement and they have now retracted that they have not received her any photograph and her ID, which was used by the petitioner Satnam Singh for making her obscene photographs viral, is not remember to her and she has formatted her mobile phone. As such, during the course of investigation nothing has come to the fore with regard to making viral obscene photographs of the complainant on social media. The supplementary statement under Section 161 Cr.P.C. of the

complainant/prosecutrix which was recorded on 20.04.2020 by the Investigating Officer is annexed as Annexure R-1/T.

1. That it is humbly submitted that the aforesaid mobile phone, which was produced by the complainant/prosecutrix and the mobile phone, which was recovered from the petitioner Satnam Singh have been deposited at Computer Forensic Laboratory, State Cyber Crime, Punjab on 07.07.2020 for retrieval of data in order to ascertain veracity of the aforesaid allegations, which have been leveled in the aforesaid FIR by the complainant/prosecutrix. The report thereof is yet to be received. However, follow up is being made for early report and reminder bearing Nos. 33747-EB, dated 11.08.2020, 33749-E, dated 11.08.2020, 44199-EB, dated 19.10.2020 and 44200-EB, dated 19.10.2020 have been issued in this regard. The report of Chemical Examiner regarding swabs sent by the doctor has been received, in which no spermatozoa has been detected.”

Learned State counsel, on instructions from ASI Amarjit Singh, submits that investigation in the present case is complete and challan in this case was presented on 06.05.2020. There are total of 19 witnesses but none has been examined till date.

Learned counsel for the complainant submits that a perusal of the FIR would show that there are serious allegations against the petitioner. He cannot claim parity with the order granting bail to the co-accused, namely Lovepreet Singh, passed in CRM-M-25309-2020 dated 03.09.2020. She further submits that in the FIR, it would show that the complainant had specifically levelled allegations that the petitioner had been blackmailing her, they clicked photographs and on that basis threatened her and committed rape upon her against her wishes.

Faced with the situation, learned counsel for the petitioner submits that the co-accused, namely Lovepreet Singh, has already been granted bail by this Court. Learned counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate **bail bonds/surety bonds** to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

(GIRISH AGNIHOTRI)
JUDGE

11.11.2020

jyoti3

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No