

229

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

**CRM-M No.38849 of 2020(O&M)
Date of Decision: 01.12.2020**

**Gurseem Singh
Vs**

.....Petitioner

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Rupinder Kaur, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0093 dated 05.08.2020 registered under Sections 354-C/376/450/506 IPC at Police Station Women Police Station, District Sirsa.

The FIR was registered by the prosecutrix on the ground that in March 2020, the petitioner took some naked photographs of the complainant while she was taking bath. Thereafter, he started pressurizing the complainant on the basis

of those photographs and made forcible physical relations under the threat. The complainant disclosed this fact to her husband and the present FIR was lodged.

Learned counsel for the petitioner submits that there was no complaint in respect of alleged occurrence of March 2020. The alleged occurrence took place on 19.07.2020 and the FIR came to be registered only on 05.08.2020. Even as per call details and the CDR of the mobiles of the complainant and the petitioner, the complainant was continuously in touch with the petitioner prior and after the offence in question. Before the Court of Sessions as well, the petitioner sought to produce on record pen drive containing voice recording of the victim and the petitioner on phone, but the same was discarded for want of requisite certificate under Section 65-B of the Evidence Act. Learned counsel has placed on record CDR of the mobiles and certificate under Section 65-B(4)(c) of the Indian Evidence Act issued by the Nodal Officer, Haryana on 08.10.2020, certifying the authenticity of CDRs. Petitioner is in custody since 19.08.2020.

Per contra, learned State counsel opposed the bail on the ground that petitioner has committed forcible act against the will of the prosecutrix and has thus committed the offence.

In view of delay of lodging the FIR, record of call details

viz CDR of the mobiles and certification done by the authority under Section 65-B(4)(c) of the Indian Evidence Act, the complicity of the petitioner would remain debatable.

In view of aforesaid facts and circumstances of the case, in view of situation arising out of pandemic Covid-19 and without meaning anything on merits of the case, it would be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

01.12.2020

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No