

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

**AT CHANDIGARH**

**Criminal Misc. No.M-42340 of 2020**

**Date of Decision: 20.08.2020**

Munna

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Rajesh Duhan, Advocate  
for the petitioner.

Mr. Pawan Sharda, DAG, Punjab.

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**HARI PAL VERMA, J. (Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.536 dated 22.05.2019 under Sections 506, 509 IPC and Sections 66(E) and 67 of the Information Technology (Amendment) Act, 2008 registered at Police Station Sadar Karnal, District Karnal.

The aforesaid FIR was registered at the behest of the complainant with the allegation that her sister, who was 17½ years of age, was kidnapped and raped by the petitioner and accordingly, FIR No.410 dated 17.04.2018 under Sections 365/376(2)(N)/506 IPC and POCSO Act

was registered against him at Police Station Sadar Karnal. The petitioner was arrested in the case, though he was released on bail. But after having been granted bail, the petitioner abused the complainant and threatened her that he will again kidnap the victim, who has now been married. He has uploaded indecent photographs of the victim on Facebook in order to defame the complainant and her sister.

Learned counsel for the petitioner has argued that in fact, the petitioner and the victim had love affair with each other and they solemnized their marriage on 27.11.2017 with their own free will. He referred to affidavits dated 27.11.2017 of the petitioner and the victim Annexure P-5 and Annexure P-6, respectively, in support his argument that the victim was married to the petitioner. However, the petitioner is in custody since 22.05.2019 i.e. for about 1 year and 3 months.

On the other hand, learned State counsel has argued that no doubt, the petitioner is in custody since 22.05.2019, but he has uploaded indecent photographs of the victim on Facebook and in this manner, he has defamed her and also extended threats to the complainant.

I have heard learned counsel for the parties.

In the earlier FIR i.e. FIR No.410 dated 17.04.2018 under Sections 365/376(2)(N)/506 IPC and POCSO Act registered at Police Station Sadar Karnal, the petitioner is already on bail. Considering the fact that the offences in the present FIR are triable by a Magistrate and the petitioner is in custody since 22.05.2019 and trial in the case will take sufficient long time, this Court deems it appropriate to release the petitioner on regular bail.

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/Duty Magistrate.

However, it is made clear that after being admitted on bail, in case the petitioner extends any threat to the complainant or the victim in any manner, they will be at liberty to seek cancellation of his bail.

August 20, 2020  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No