

CRM-M-16943-2021

Date of Decision: 13.10.2021

Manoj Kumar alias Mangu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. P.S. Hundal, Sr. Advocate with
Mr. Vikramjit Singh, Advocate, for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has approached this Court praying for regular bail in case FIR No.259 dated 19.12.2020 registered under Sections 376(2) (n), 450, 506 IPC and Section 67 of the Information Technology Act, 2000 registered at Police Station Canal Colony Bathinda.

As per the factual matrix of the case, the present FIR was lodged by the complainant on the allegations that she is married to Ravi Kumar. It was alleged that the petitioner, Manoj Kumar alias Mangu used to visit her house. On 10.2.2020, when her husband was away, Manoj Kumar alias Mangu came to her house and developed illicit relations with her. She alleged that the illicit relations made by the petitioner was under threat as he made her obscene video stealthily. She further alleged that on 12.12.2020, she came to her parents' house and once it came to the knowledge of Manoj Kumar alias Mangu, he forwarded the obscene video alongwith photo on the mobile of her sister Sheenu. He threatened her sister Sheenu continuously on phone. Request was made to take legal action against the guilty. In pursuant to the FIR lodged, the investigation commenced, the petitioner was arrested on 18.1.2021. He approached the learned Additional

Sessions Judge for grant of bail, which was declined after hearing both the parties vide its order dated 19.3.2021. Aggrieved by the same, the petitioner has filed the present petition.

Learned senior counsel for the petitioner vehemently contended that from the set of allegations and the facts and circumstances, the false implication of the petitioner is writ large on the face of it. He has drawn the attention of this Court to the allegations in the FIR that the statement of the landlady Santosh Devi recorded under Section 161 Cr.P.C. It was deposed by the landlady that the petitioner used to visit the house of the complainant and he used to stay in her house, whenever her husband used to leave the house. Learned senior counsel has further drawn attention of this Court to the MLR dated 24.11.2021, wherein the prosecutrix refused to get herself medically examined. He further submits that the prosecutrix is 26 years of age and is mother of 6 years old son, whereas the petitioner is young unmarried boy. He would submit that the bail of the petitioner was declined by the learned Additional Session Judge on the ground that in case he is released on bail, he can tamper with the prosecution evidence during the ongoing trial. However, as on date, the prosecutrix, who is the material witness has already been examined. Learned senior counsel submits that though she has supported the case of the prosecution, however, as the material witnesses including the prosecutrix already stands examined, so the further incarceration of the petitioner is unwarranted thus, he deserves to be enlarged on bail.

On the other hand, learned State counsel submits that there are specific allegations against the petitioner and the prosecutrix has also

supported the case of the prosecution. He further submits that there are in all 10 prosecution witnesses, out of which 2 witnesses including the prosecutrix have already been examined.

I have heard learned counsel for the parties.

The petitioner is behind bars since 18.1.2021 and the material witnesses already stand examined and the conclusion of trial will take sufficient time. The veracity of the allegations would be taken into consideration by the learned trial Court at the time of trial. This Court would refrain itself from commenting on the merits of the case. However, in the facts and circumstances of the case, the learned senior counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

13.10.2021

sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No