

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(Through Video Conferencing)

CRM-M-19868-2020 (O&M)

Date of Decision: 16.08.2021

BIKRAMJIT SINGH @ VICKY

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Navjot Singh, Advocate, for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

Mr. Sarbjit Singh, Advocate, for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.15, dated 12.03.2020 lodged under Sections 376, 506 of the Indian Penal Code, 1860 registered at Police Station Fatehgarh Sahib Churian, District Batala.

At the outset, learned counsel for the complainant has apprised the Court that after being extended the concession of interim bail vide order dated 03.11.2020, the petitioner has yet again being indulging in unlawful activities and has been extending threats to the prosecutrix. He has further apprised the Court that a report in the said regard has also been made to the Police.

Learned counsel for the petitioner, on the other hand, has refuted the submissions made by the learned counsel for the complainant and submits that the prosecutrix was a major and a perusal of the FIR in question clearly reveals that she and the petitioner were in a consensual relationship. He

further submits that a perusal of the report under Section 173 Cr.P.C. reveals that no specific telephone number has been mentioned from which certain “obscene photographs” were allegedly made viral. He further submits that the petitioner was arrested on 20.04.2021 and vide order dated 03.11.2020, he was released on interim bail for three months due to the outbreak of COVID-19 which was ordered to be continued by this Court vide order dated 15.03.2021. It has further submitted that the evidence of the prosecutrix stands concluded, hence, he be extended the concession of regular bail as there is no likelihood of the material witnesses being influenced or evidence being tampered with.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner has on instructions ASI Sukhminder Singh submitted that there are serious allegations levelled against the petitioner of having sexually violated the modesty and person of the prosecutrix and thereafter having made some of her “obscene photographs” viral. It has been further submitted that the prosecutrix stood her ground while deposing before the trial Court and reiterated the allegations levelled against the petitioner both in the FIR in question as well as in her statement recorded under Section 164 of the Cr.P.C. It has also been submitted that 2 out of 20 prosecution witnesses have been examined.

Heard.

Prima facie, there are serious and specific allegations leveled against the petitioner in the FIR in question for which he does not deserve the concession of regular bail. Moreover, while he was on interim bail he had extended threats to the prosecutrix. In view thereof, the petition stands

dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case. The petitioner, who is on interim bail, is directed to surrender back to the concerned jail on or before 18.08.2021 by 12 P.M.

August 16, 2021

Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No