

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

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**CRM-M-29180-2021
Decided on : 23.09.2021**

Harwinder Singh @ Binder

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. A.P. Batra, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by Inspector Gaganpreet Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 0001, dated 09.01.20219 (Annexure P-1), under Sections 363, 376, 354, 506 of IPC & Sections 67, 67A of the IT Act (added later on Sections 354-B, 354-C and 201 of IPC), registered at Police Station Punjab State Cyber Crime Cell, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that a perusal of the FIR in question on the face of it reveals that an unbelievable and fabricated case has been foisted upon the petitioner at the instance of the prosecutrix. While inviting the attention of this Court to the contents of the FIR, which is annexed as Annexure P-1, learned counsel submits that it is apparent that the petitioner and the prosecutrix had been in a consensual relationship in the year 2015, however, subsequently in the year 2016, the prosecutrix got married and went away to the USA. Later on, after a couple of years on one of her visits to India along with her husband and father-in-law, the husband of the prosecutrix allegedly procured some obscene pictures of the

prosecutrix from the petitioner and thereafter, the husband of the prosecutrix himself circulated and made those photographs viral. Learned counsel further submits that there was no material on record to substantiate the factum of any of those obscene photographs having been given by the petitioner to the husband of the prosecutrix and also no material on record to show that those photographs had been made viral by the husband of the prosecutrix at the instance of the petitioner.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 29th October, 2020, for no fault of his and on the basis of no qualitative evidence on record except for the bald statement made by the prosecutrix. It has also been submitted that there was no statement recorded under Section 164 Cr.P.C. at any time by the prosecutrix.

On the other hand, learned State counsel has apprised the Court that the challan stands presented and charges have not yet been framed. He, on instructions from Inspector Gaganpreet Singh, has very fairly submitted that admittedly no recoveries were effected from the petitioner and there was no material collected till now during investigation, which could *prima facie* link the petitioner with the alleged circulation of obscene photographs by the husband of the prosecutrix.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances of the case as enumerated hereinabove, I deem it a fit case to extend the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 23, 2021
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*