

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

**CRM-M-35708-2020 (O&M)
Date of Decision: 23.02.2021**

Krishan Kohali

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Abhishek Sindhvani, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Anita Kumari.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.107 dated 13.09.2019 at Police Station Women, District Jind, under Sections 498-A, 354-C IPC and Section 67 of the Information Technology (Amendment) Act.
2. At the time of issuance of notice of motion on 04.11.2020, the following order was passed:

“Contentends *inter alia* that the alleged obscene pictures of the petitioner's wife were sent from the wife's own E-identity and Laptop, and there cannot be any automatic presumption that a wife would not do voyeurism on herself. To substantiate such contention, Ld. Counsel for the petitioner draws attention of the Court to the fact that previously also the complainant wife had filed criminal cases/complaints against the petitioner which were subsequently withdrawn,

and submits further that in this case the said wife out of sheer vindictiveness has committed voyeurism on herself from her own E-identity, and then sought to shift the blame on the petitioner.

Notice of motion.

Mr. Anmol Malik, Deputy Advocate General, Haryana to accept notice on behalf of the respondent-State. Let a copy of the Paperbook be supplied to him.

List on 23.02.2021.

Meanwhile, in the event of arrest of the petitioner by the Arresting/Investigating Officer, he shall be released on interim bail subject to the following conditions:-

1. That he shall make himself available for interrogation by a Police Officer as and when required;
2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer and;
3. That he shall not leave India without prior permission of the Court.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position and while also noticing that the case has apparently arisen out of some kind of matrimonial discord amongst the complainant/wife and the petitioner/husband, the petition is accepted and the interim directions issued by this Court vide order dated 04.11.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the

Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

23.02.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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

