

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

CRM-M-46932-2021

Date of Decision: 25th November, 2021

Vishal

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Tarun Seth, Advocate for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, U.T., Chandigarh with
Mr. Anupam Bansal, Additional Public Prosecutor, U.T.,
Chandigarh for the respondent.

AVNEESH JHINGAN , J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.

2. This third petition is filed under Section 439 Cr.P.C. seeking regular bail in FIR No.158, dated 9th November, 2020, under Section 376 IPC and Section 4 of POCSO Act, registered at Police Station Maloya, U.T., Chandigarh.

3. The complainant (name withheld) is the wife of the petitioner who alleged that on 2nd September, 2020, petitioner along with his brother had beaten her publicly, the matter was compromised. Thereafter, petitioner along with his brother did wrongful act with her and blackmailing to share her obscene photos on social media. It reveals that the complainant refused for her internal examination.

4. Learned counsel for the petitioner submits that the complainant deposed in the trial and has not supported the case of the prosecution. He further submits that the date of birth of the complainant is

pending in this Court and passing of the final order by the trial Court was stayed. The contention is that conclusion of the trial is likely to take time, the complaint was result of the matrimonial dispute.

5. Learned counsel for U.T., Chandigarh on instructions fairly submits that complainant has turned hostile and is not in a position to dispute the fact that passing of the final order has been stayed in the criminal revision filed by the petitioner.

6. Considering the undisputed contention that complainant has turned hostile, there is no medical evidence available as on date, the conclusion of the trial is likely to take time and further it is undisputed that petitioner and complainant are married, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

25th November, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No