

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

(Sr. No. 213)

CRM-M No. 20080 of 2022

Date of decision : 26.07.2022

Talwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. S.P.S. Aulakh, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0091 dated 04.07.2020 registered under Sections 354-A, 354-D, 509 IPC, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67A of IT Act, 2000 at Police Station Satnampura, district Kapurthala.

The petitioner is being prosecuted for having made obscene video calls to the complainant and her 13 year old daughter.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he is not involved in any other criminal case; the phone on which the petitioner had allegedly made the obscene video call has not been produced by the State; such phone is also not part of the final investigation report; all the material prosecution witnesses including the complainant and her daughter already stand examined before the Trial

Court; the petitioner is in custody since 14.07.2020 and that since in the petitioner's trial 10 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has made an obscene video calls to the complainant and her 13 year old daughter.

The petitioner is in custody for the last over two years; all the material prosecution witnesses in the petitioner's trial have already been examined; the phone on which the petitioner allegedly made the obscene video call is admittedly not even part of the final report submitted by the State after investigation and that since in the petitioner's trial 10 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the above facts in totality, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kapurthala the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

26.07.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No