

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

203

**CRM-M-26253-2022
Date of decision: 24.06.2022**

MANJOT BAWA ALIAS SHAGUN

....Petitioner

Versus

STATE OF U.T. CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl. Public Prosecutor
for U.T. Chandigarh.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.117 dated 03.08.2021 registered under Section 376, 354, 506, 384, 34 of the Indian Penal Code, 1860 and offence under Section 66 (E) and 67 of the Information and Technology Act, 2000 (Offence under Section 66 (E) and 67 of the Information and Technology Act deleted) at Police Station Industrial Area, Chandigarh.

2. Learned counsel for the petitioner *inter alia* contends that the FIR in question has been registered at the instance of Tanya daughter of Narinder Kumar wherein she has alleged that the petitioner Manjot Bawa @ Shagun who works at Pipli Filling Station has been blackmailing her and has forced her to enter into physical relationship

with her. She contends that the petitioner used to ask for nude photographs and videos from her and made fake promise to marry her. It is also alleged that after having allured the complainant to send her nude photographs and videos, he started blackmailing her on the strength of the same and succeeded in making physical relationship with her. It is also alleged that the petitioner tried to force the complainant to enter into physical relationship with his friend as well as his brother. The incidents in question are alleged to have taking place in the year 2020 and that eventuality the complainant started resisting the demands made by him and finally had to submit a complaint to the Police resulting in registration of the FIR.

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner has been in custody since 24.08.2021 and that the final report in the matter had already been filed. The prosecutrix who is the sole witness and upon whose testimony the entire case of the prosecution is based as appeared before the trial Court as PW-4 and has not supported the case of the prosecution. She was declared hostile and is being subjected to cross-examination by the Public Prosecutor.

4. Learned counsel appearing on behalf of the U.T. Chandigarh, however, submits that the allegation against the petitioner is serious and that they have been subjecting the prosecutrix to a forcible sexual intercourse. He however could not controvert the fact that the prosecutrix, while appearing as PW-4 did not support the case of the prosecution.

5. I have heard learned counsel appearing on behalf of the

respective parties and have gone through the record with their assistance.

6. Without examining the merits of the instant case and taking into consideration, the period of custody, the stage of trial, clean antecedents of the petitioner as also the fact that the prosecutrix has not supported the case of the prosecution while deposing as PW-4, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 24, 2022
vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>