

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-39455-2021
Date of decision:- 02.03.2022

Jaskirat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

On 22.09.2021, this Court passed the following order:-

“This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0125, dated 02.09.2021, registered under Sections 384, 354C, 506, 120B of IPC and Section 67 of Information Technology Act, 2000, at Police Station Sidhwan Bet, District Ludhiana Rural.

Counsel for the petitioner would contend that reading of the FIR would reflect that all the allegations are against one Kuldeep Singh, who sexually abused the prosecutrix and made objectionable video. It is argued that the only allegation against the petitioner herein is that he sent the objectionable photographs, that had been taken by Kuldeep Singh, to the prosecutrix and that there was a demand of ₹ 5 lakhs as ransom. Counsel would further contend that in fact it is Kuldeep Singh who had taken the phone of the petitioner herein and transferred the objectionable video from his phone to the phone of the petitioner and sent it to the prosecutrix as the prosecutrix had blocked the phone of Kuldeep Singh. It is also argued that the petitioner has never demanded money. The petitioner is ready to join investigation and hand-over his phone to the Investigating Officer within a period of 3 days from today.

Notice of motion.

At this stage, Mr. A.S. Gill, Senior DAG, Punjab, has put in appearance through the medium of video conferencing and accepts notice on behalf of the respondent-State. He opposes the grant of anticipatory bail by contending that the phone has to be recovered.

Adjourned to 02.03.2022.

Meanwhile, the petitioner is directed to appear before the Investigating Officer on 24.09.2021 at 11.00 AM to join the investigation and hand-over his mobile phone having the same sim as given in the FIR and on his doing so, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/ Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Upon instructions received from SI, Jarnail Singh, State counsel submits that the petitioner has joined the investigation and handed over the mobile phone to the Investigating Officer, which has been sent to the FSL for analysis and the report is awaited. Upon further instructions, he submits that the petitioner is no longer required for custodial interrogation and the challan is likely to be presented soon.

Keeping in view of the aforesaid facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 22.09.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

02.03.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No