

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

**CRM-M-48844-2021
Date of Decision: 28.03.2022**

Daljit Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. A.S.Gill, Sr. DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

Petitioner has prayed for grant of regular bail in case bearing FIR No. 326 dated 09.12.2020, under Sections 376, 506, 509 IPC and Section 66 (E), 67 of Information and Technology Act, 2000 registered at Police Station Division No.8, District Jalandhar.

Briefly, the FIR has been registered on the basis of a complaint submitted by the prosecutrix alleging that in the year 2001, her marriage was solemnized and is having 4 children. She was happily residing with her family. About 4 years prior to the registration of the case, she came close to the petitioner, who had been showing different dreams and extending promise to solemnize marriage with her. The prosecutrix came in trap of the petitioner and she developed physical relations with him on number of occasions. The petitioner even made indecent videos and clicked indecent photographs without informing the prosecutrix and kept on making physical relations by extending threats to kill her and making her indecent videos and photographs viral. Subsequently, the petitioner made

videos and photographs viral and accordingly, dispute arose in the family of her in-laws and she was turned out of the house.

Learned counsel for the petitioner states that initially an enquiry in the matter was conducted wherein the statement of the prosecutrix was recorded. A categorical statement was made by the prosecutrix to the effect that she was in live-in-relationship with the petitioner. The recommendation was made to register the case under Section 67 of Information and Technology Act and 506 IPC. However, the present FIR has been registered. Even in the statement under Section 164 Cr.P.C. that the prosecutrix had stated that it was consensual relationship, though, it has also been mentioned that whenever the prosecutrix had been refusing, the petitioner had been extending threats to send her photographs to her husband. It has been further stated that there is no evidence to indicate that any indecent/obscene photograph or video has been made viral by the petitioner.

Learned State counsel, on instructions of ASI Narain Gaur, has not disputed that during the course of enquiry and under Section 164 Cr.P.C., the prosecutrix had made a statement indicating the consensual relationship and to be in live-in-relationship. Furthermore, it has also not emerged in the investigation that the obscene/indecent photographs of the prosecutrix were made viral by the petitioner.

The petitioner is in custody for period of 7 months and 8 days, the statement of the prosecutrix has already been recorded and it will be a debatable and moot point during the course of trial as to whether it was a case of consensual relationship or not.

Keeping in view the above, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

28.03.2022

Janki

(VIVEK PURI)
JUDGE

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