

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

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**CRM-M No. 12178 of 2023
Date of Decision : 16.3.2023**

Nanak Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. H.S. Maan, Advocate, for the petitioner
Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.177 dated 26.9.2022 under Sections 354-A, 354-C and 506 IPC, Sections 11(v), 11(vi), 14 and 15 of POCSO Act and Section 67-B of Information Technology Act, 2000, registered at Police Station Bhikhi, District Mansa.

2. As per allegations in the FIR lodged by the victim, aged about fifteen years, she received her own obscene photographs on instagram, sent through an un-identified ID. After some time, she received a video call from the said instagram ID, the caller had muffled face to conceal his identity. She was threatened to pose nude, or else similar obscene photographs of her would be uploaded on social medial. She did as was told. The person thus captured her nude videos, and threatened to make them viral. She was black-mailed into making physical relations with him time and again on that account.

3. Learned counsel for the petitioner contends that the petitioner himself is aged about nineteen years. He has been falsely implicated in the case.

During trial, the victim has been examined as PW-1, and has herself not

supported the prosecution version.

4. Learned State counsel, on instructions from ASI Bhola Singh, opposes the grant of bail on the ground that trial of the case is going on and the remaining fourteen witnesses will soon be examined. He has further submitted that FSL report of the petitioner’s mobile phone has been received, which is being examined. It is not denied that there is no other criminal case against the petitioner, who remains in custody since 4.11.2022.

5. In view of the facts enumerated above, it is apparent that conclusion of the trial will take a long time as fourteen prosecution witnesses are still to be examined. At the same time, the victim herself has been examined and has not supported the prosecution. The petitioner has no criminal antecedents and confining him to custody during trial, in these circumstances, will not serve any purpose.

6. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

16.3.2023
Ashwani

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