

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

**CRM-M-20842-2023
Date of Decision: 09.11.2023**

LABH SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amanpreet, Advocate for
Mr. H.S.Oberoi, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * * *

VIVEK PURI, J. (ORAL)

1. On 27.04.2023, following order was passed by the Co-ordinate

Bench:

“This is a petition under Section 438 Cr.P.C. seeking grant of pre-arrest bail to the petitioner in case FIR No.42 dated 28.03.2023, registered under Sections 354, 354-B, 506 IPC and Section 10 of POCSO Act, 2012 (Section 376 IPC and Section 6 of POCSO Act, 2012, have been added later on) at Police Station Shambu, District Patiala.

2. Briefly, the allegations are, about two and a half years back in September/October 2020, while the complainant/victim was studying in Class 9th and was 15 years old, she developed relations with one Avneet Singh. Her cousin Gurdit Singh, who is Avneet Singh's friend, called her to his house by playing a mischief that she was being called by Avneet Singh, who was not present there. Gurdit Singh forcibly committed obscene acts with her against her wishes, and gave her threats that in case she would tell about the incident to anybody, her friendship with Avneet Singh will be disclosed to her family. Gurdit Singh clicked her nude photographs and made her videos on her mobile phone, and transferred the same on his mobile number through WhatsApp. After some time, it came to her knowledge that Gurdit Singh had transferred those objectionable photographs and videos on the WhatsApp groups of boys and girls of her village, and also uploaded them on Instagram. She does not have the said objectionable photographs and videos at present. About six months back, the petitioner started sending messages to her from his mobile phone, asking her to meet him because he had her objectionable videos. When she declined to

meet, he threatened to make the same viral.

3. Learned counsel for the petitioner contends that the allegations against the petitioner of extending threats of making her pictures and videos viral. have been levelled after six months of the alleged incident. Besides, it is not alleged that he ever clicked those objectionable photographs or made those videos. The petitioner, in fact, runs a mobile shop, and the complainant had given her mobile phone to him for repair. She apprehended that the petitioner has downloaded those pictures and videos, and to enquire the same, she repeatedly called the petitioner from March 19 to 21. To Substantiate, a reference is made to call details history placed on record as Annexure P-2. Therefore, the allegations are not believable. The petitioner has no criminal antecedents, and is ready and willing to join the investigation.

4. Notice of motion for 06.09.2023.

5. Mr. Jashandeep Singh, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State.

6. In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Balkar Singh, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.04.2023 is made absolute.

09.11.2023

Joyti

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No