

2023:PHHC:162136

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

CRM-M-49200-2023

Date of Decision: 18.12.2023

BHARAT

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amandeep Chhabra, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 107 dated 10.07.2023 under Section 354-C IPC and Section 67-A of the Information and Technology Act (Section 66-E of the I.T. Act added later on), registered at Police Station City Malout, District Sri Muktsar Sahib.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that the relationship between the petitioner and the victim was consensual. The allegations are to the effect that the petitioner had been preparing obscene videos while they have been developing physical relations. The victim came to know that the petitioner was married person and he has been threatening to viral the obscene videos. The obscene videos have also been sent to the cousin and other persons. There is nothing to indicate that any such video was ever circulated by the petitioner. The statement of the victim during the course of trial has been recorded. The petitioner is in custody for a period of 05 months and 07 days and not involved in any other case.

4. Learned State counsel, on instructions from ASI Iqbal, submits that there are specific and categoric allegations against the petitioner to the effect that he had circulated obscene videos of the victim. He further submits that out of 16, 03 witnesses including the victim have been examined.

5. It is significant to note that during the course of trial, the statement of the victim has been recorded. As such, it cannot be said that the petitioner can, in any manner, win over or influence the victim. It is categoric stand of the petitioner that obscene video was never circulated by him. The relationship between the petitioner and the victim was consensual. Still 13 witnesses remain to be examined. The petitioner is in custody for a period of 05 months and 07 days and not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

18.12.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No