

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

CRM-M No.58319 of 2022 (O&M)

Date of decision: 16th February, 2023

Fazil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.S. Nain, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner in the instant petition filed under Section 439 Cr.P.C. is seeking concession of regular bail in case bearing FIR No.113 dated 17.05.2022 under Sections 328, 377, 506, 201, 34 IPC and Section 67-A of Information Technology Act, 2000 registered at Police Station Sanoli, District Panipat (Haryana).

Learned counsel for the petitioner has drawn the attention of this Court to the allegations levelled in the FIR and submitted that no doubt the petitioner was named in the FIR in question, however, there was no specific attribution qua him of having committed any unnatural offence upon the complainant or even having prepared the alleged video. He submits that had the alleged offence indeed been committed, the complainant would not have waited for two months to get himself medico-legally examined.

Per contra, learned State counsel on instructions from SI Karambir, while opposing the prayer and submissions made by the

counsel opposite, has submitted that the charges stand framed and the case is now fixed for prosecution evidence. He submits that there are serious allegations levelled against the petitioner of having intoxicated the complainant and thereafter, prepared an obscene video of him. However, learned State counsel has not been able to dispute that the medico-legal examination of the complainant was conducted after two months of the alleged occurrence.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has now been in custody since 15.06.2022 and the trial will take considerable time to conclude as the prosecution evidence has not yet commenced. The petitioner as per instructions received by the learned State counsel, is not involved in any other criminal case, much less a case of similar nature. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 16, 2023
rps

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