

**Sr. No.220****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-1106-2024 (O&M)****Date of decision: 28th November 2024****DILHARJIT SINGH****.....Petitioner****versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Abhishek Singh, Advocate and
Ms. Anchal Singla, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.222 dated 06.10.2023, under Sections 370, 370-A(2), 376(2)(n) IPC, 1860 and Sections 67-A, 67-B of the Information Technology Act, 2000, registered at Police Station City Rupnagar, District Rupnagar (Annexure P-1).

2. The petitioner is alleged to have made physical relationship with the prosecutrix several times. He is further alleged to be threatening and blackmailing the prosecutrix, after making her obscene videos and sending the same to other persons.

3. On the other hand, learned State counsel has opposed the present petition on the ground that as per the status report, there is history of 10 other criminal cases registered against the petitioner.



3.1 Learned State counsel has filed custody certificate of the petitioner dated 27.11.2024, reflecting his actual custody period as 01 year 01 month and 13 days, which is taken on record.

4. I have heard the learned counsel for the parties and perused the relevant documents.

5. The statement of the prosecutrix has already been recorded during the trial (Annexure P-6), as per which, the prosecutrix is a married woman aged 25 years. As per the said statement, the prosecutrix was having a matrimonial dispute with her husband and even a divorce petition was filed. The prosecutrix has not supported the prosecution case during her testimony before the trial Court, wherein, she has categorically stated that she has never met or made any physical relationship with the petitioner.

6. A perusal of the status report dated 08.04.2024 indicates that the petitioner is stated to have been acquitted in 06 out of the 10 cases registered against him and untraced report has been presented in FIR No.82 dated 05.07.2007, under Section 420 IPC, registered at Police Station City Rupnagar. As per the status report, FIR No.170 dated 30.11.2016, under Sections 420 read with Section 120-B IPC, registered at Police Station Macchhiwara, District Ludhiana has been quashed by this Court vide order dated 29.08.2022.

7. The petitioner is stated to be facing trial only in FIR No.233 dated 13.10.2023, under Sections 388, 389, 420 read with Section 120-B IPC, registered at Police Station City Rupnagar and FIR No.281 dated 14.12.2023, under Sections 388, 389 read with Section 120-B IPC, registered at Police Station City Rupnagar. However, the nature of the said



8. The prosecutrix has not supported the prosecution case. Even as per the medical evidence, human semen was not found in the vaginal swabs of the prosecutrix, as mentioned in Para No.10 of the status report. Out of total 18 prosecution witnesses, only 03 have been examined so far. The conclusion of the trial is likely to take time. There is no apprehension of absconding of the petitioner during the trial.

9. Keeping in view the above facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

28th November 2024
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>