

CRM-M-18164-2024
Date of decision: 19.04.2024

...PETITIONER

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kulwinder Singh, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. This is the first petition filed under Section 439 Cr.P.C. seeking regular bail to the petitioner in case bearing FIR No.205 dated 07.10.2023 registered under Sections 354-A, 354-D, 506 IPC and Sections 67(A), 66(C) of Information Technology Act, 2000 at Police Station Bhikhi, District Mansa.
2. The present FIR was registered under Sections 354-A, 354-D, 506 IPC and Sections 67(A), 66(C) I.T. Act, 2000 at Police Station Bhikhi against accused/petitioner Sukhjinder Singh on the allegations that the petitioner after developing friendship with the victim developed physical relations with her and clicked obscene photographs of the victim without her consent. Thereafter, the petitioner started demanding money from the victim and asked her to have physical relations otherwise he will circulate her obscene photographs amongst her relatives and family members.
3. Learned counsel for the petitioner *inter alia* contends that the petitioner and the complainant both are major and they are having love affair.

Due to the consensual relationship, the petitioner has uploaded his along with

the complainant's photographs on Instagram and these photographs are not obscene in any manner. The allegation against the petitioner and all the offences under Sections 354-A, 354-D, 506 IPC except Sections 67(A), 66(C) of Information Technology Act, 2000 are bailable in nature. The maximum sentence provided under the Information Technology Act is up to 05 years even the complainant in the FIR (supra) has admitted that petitioner and complainant were friends and they were in relationship. It is further contended that the investigation is complete and final report under Section 173 Cr.P.C. has already been filed.

3. Per contra, learned State counsel, opposes the prayer of the petitioner on the ground that there are specific and serious allegations against the petitioner, however, he could not controvert the fact that the petitioner is not involved in any other case.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind the bars since 09.10.2023 and the investigating agency has already concluded the investigation and filed the final report under Section 173 Cr.P.C. Moreover, the statement of the complainant has already been recorded and there are 14 more prosecution witnesses, which are yet to be examined. Culpability, if any, would be determined at the time of the trial. No useful purpose shall be served by further detention of the accused/petitioner.

5. In view of the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Sukhjinder Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

6. Nothing observed hereinabove shall be construed as expression of

opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

April 19, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |