

Sr.No.102

2024:PHHC:013466

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

CRM-M-31992-2023(O&M)

Date of decision:31.01.2024

Harman Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Ms. Mehak Sharma, Advocate for
Mr. Ashok Paul Batra, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Harpreet Kaur Jeewan, J.(Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0103 dated 01.12.2022 registered at Police Station Tarsikka, District Amritsar Rural, under Section 37(A) of the Information Technology Act, 2006 and Section 354-D IPC (Section 376 IPC added later on).

2. As per the prosecution case, the petitioner is a neighbourer of the complainant-prosecutrix. On 21.11.2022, on the asking of the petitioner, the complainant went alongwith him. The petitioner took her to a hotel and he made an obscene video of her. Thereafter, the petitioner called the complainant but she refused to go alongwith him saying that she is going to be married soon. Then the petitioner sent the video to Balwinder Singh with whom the complainant was engaged and ultimately Balwinder Singh broke the relationship with the complainant. Subsequently, the statement of the complainant was recorded under Section 164 Cr.P.C wherein she leveled allegations against the petitioner about her sexual abuse as such the offence under Section 376 IPC was added.

3. On 20.11.2023, the following order was passed by the co-ordinate Bench:-

“2. Learned counsel for the petitioner contends that at the first instance the FIR was registered under Sections 354-D of IPC 1860 and 67 (A) of Information and Technology Act, 2000. The petitioner and the prosecutrix had voluntarily visited the hotel. The prosecutrix was aged about 24 years at the time of occurrence. No allegation with regard to rape was levelled in the FIR. Even the allegations with regard to commission of offence under Section 354-D were falsely levelled. The allegation with regard to commission of offence under Section 376 IPC was levelled when the statement of the prosecutrix under Section 164 Cr.P.C. was recorded on 02.12.2022 as a result of after thought to aggravate the gravity of allegations against the petitioner. The FIR was registered after a delay of 10 days. Even the report of FSL has not been received.”

3. Adjourned to 30.01.2024.

4. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

4. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order dated 20.11.2023.

5. State counsel on instructions from ASI Hajra Singh informs the Court that petitioner has joined investigation in compliance of the order dated 20.11.2023

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of this Court. She has further informed that the challan has been presented before the Trial Court.

6. Learned counsel for the complainant opposes the bail application on the ground of gravity of allegations.

7. In view of the reasons recorded in the order dated 20.11.2023 and keeping in view the fact that the petitioner has joined investigation, his Custodial interrogation is not required as the final report has already been presented before the Trial Court, the present petition is allowed and the order dated 20.11.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

31st January, 2024
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

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