

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(234)

CRM-M-42052-2022
Date of decision:- 19.09.2022

Varinder Singh @ Babba

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.191 dated 04.08.2021, registered for offences under Sections 376, 328, 354-C, 506 and 509 of the Indian Penal Code, 1860 and Sections 67 and 67-A of the Information Technology Act, 2000, at Police Station Gate Hakima, District Amritsar, Annexure P-1.

Criminal law has been set in motion on the basis of a complaint submitted by a 37 year old married lady (for short “the prosecutrix”) on the allegation that Varinder Singh @ Babba, present petitioner, who was her neighbour, told her a few years back that he had made video of her when she was taking a bath. He started calling her to different places and in the month of May-June, 2019, he called her to Hotel Kamal, gave her a cold

drink laced with some intoxicant. When she became unconscious, he sexually exploited her and made an obscene video. He started blackmailing her on the pretext of circulating it. He insisted that she should elope with him and when she refused, he circulated the video.

By making a reference to the testimony of the prosecutrix, Annexure P-3, counsel for the petitioner urges that she has not supported the case of the prosecution. Counsel for the petitioner has also invited the attention of the Court to the deposition of her brother-in-law, PW-2, who has also been declared hostile by the prosecution. Counsel asserts that the petitioner, who is in custody since 12.08.2021, deserves to be enlarged on bail as the crucial prosecution witnesses have been examined.

Opposing the petition, learned State counsel, upon instructions from ASI, Davinder Singh, submits that objectionable videos have been recovered from the petitioner. He submits that the petitioner has been specifically named in the FIR as well as in the statement of the prosecutrix recorded under Section 164 of the Code. As per his instructions, four out of fourteen prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, but without adverting to the merits and de-merits of the arguments addressed, this Court is prima facie of the view that the culpability of the petitioner in the offence would remain a subject matter of debate before the Trial Court. Considering the length of custody of the petitioner, stage of trial and the fact that the material prosecution witnesses have been examined, this Court is of the opinion that the petitioner deserves to be released on bail.

Petition is allowed.

Petitioner is ordered to be released on bail during the pendency of trial, on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

19.09.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No