

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

**CRM-M-41929 of 2017**  
**Date of Decision: 13.11.2017**

Surender and another

....Petitioners

**VERSUS**

State of Haryana

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Ramesh Hooda, Advocate  
for the petitioners.

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.821 dated 13.09.2017 registered for offences punishable under Sections 67-A of Information Technology (Amendment) Act, 2008 and 294, 506 of Indian Penal Code (for short, "IPC") at Police Station City Jind, District Jind. (Offences punishable under Sections 363, 328, 342, 377 read with Section 34 IPC were added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per version in the FIR, complainant was taken by petitioners and their co-accused 'Peeple' to a *dhaba*, where he was administered liquor. Thereafter, petitioners and their co-accused indulged in indecent activity with him and also prepared a video, which was uploaded on social sites.

Learned counsel for petitioners submits that in his statement recorded under Section 164 Cr.P.C, complainant has categorically stated that petitioners have not indulged in any illegal or indecent activity with him or have uploaded any video on social sites.

Learned State counsel submits that nature of offence against the petitioner is very serious and grievous. Statement under Section 164 Cr.P.C. made by complainant was under the pressure of his *biradri*.

After completion of investigation, the police has presented challan against petitioners in Court and no purpose will be served by keeping them in custody.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Surender and Sushil @ Jadu are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

**November 13, 2017**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No