

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

CRM-M-45637-2018 (O&M)

Date of Decision: 21.11.2018

Sudhir Kashyap

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vipin Pal Yadav, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, A.A.G., Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.271 dated 10.07.2017 registered under Sections 376 IPC and 67 of Information Technology Act at Police Station Sector-18, Gurugram.

Learned counsel for the petitioner contends that the petitioner is in custody since 26.10.2017 and the victim's statement has been recorded and the MLR would show that there is a reference of use of condom and it was consensual and the police is yet to get the report from facebook.

Learned State counsel informs that the petitioner is in custody since 26.10.2017 and statement of the victim has been recorded. Counsel submits that nude pictures was posted in a fake facebook account created by the accused. The counsel states that they had written a letter to the Facebook office to get information as to from which ID the account was created in the

name of the victim and they are yet to get response. The counsel also states that the victim had conceived as well.

The documents placed on record show that the victim is a resident of Haldwani. The incident was reported to the police at Haldwani and the FIR was registered. Since the occurrence had taken place in Haryana, therefore, the police had registered a separate FIR. The victim was medically examined on 13.06.2017. The victim had also informed the medical officer that she was being blackmailed and photographs were being used and money was given to lure her.

On the last date of hearing, the petitioner was asked to place on record the facebook chat which was introduced in the statement of the victim. The same has been placed on record.

The allegations against the petitioner are serious. Trial is on. Six witnesses have already been examined. I am not inclined to allow the bail to the petitioner.

Petition is dismissed.

November 21, 2018

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No