

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-792 of 2019

Date of Decision: January 16, 2019.

Rahul Nagpal		Petitioner
	Versus	
State of U.T. Chandigarh		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. PP, for U.T. Chandigarh.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose of regular bail application of petitioner Rahul Nagpal in case FIR No. 210 dated 16.11.2018 under Sections 354-D, 383, 384, 499, 503, 507, 509, 511, 120-B of IPC and Section 67(A) of Information Technology Act, 2000 registered at Police Station Sector 49, Chandigarh.

The brief facts that have been brought to the notice of this Court are that the present case was got registered by complainant Gurmeet Singh father of a then unmarried girl student of M.B.A. It is alleged that when the victim was studying in B.tech in the year 2017 petitioner who happened to be one of the classmates of the girl became friendly and through this relationship clicked her objectionable photos (which have not been placed on record for the sake of privacy as per the stand of the prosecution) and, thereafter, enticed her on false assurances and promises and during the course of events when the girl

joined MBA course, the accused often used to stalk her. In the meanwhile, the parents of the girl engaged her, on occasion of coming to know of it the petitioner would pass on mis information and get the engagement called off. The petitioner as is alleged by the prosecution used to send objectionable photos of the girl regarding which a complaint was lodged with the police on 10.10.2017 and, thereafter, the petitioner and his family got the matter settled by apologizing but it is alleged that the accused did not desist from his act of blackmailing and torturing the girl who got married on 01.01.2018. It is alleged that the petitioner thereafter in order to blackmail the girl started sending her objectionable photos to her in-laws, local fraternity of the father of the girl, the complainant of this case, who happens to be a practising lawyer. In spite of the best efforts of the family of the girl, the accused did not desist from his acts and on 16.11.2018 circulated such objectionable photos to the various acquaintances of the complainant leading to arrest of the petitioner on 18.11.2018. Statement of the girl was recorded where she made all these allegations.

Mr. P.S. Ahluwalia, learned counsel for the petitioner has vehemently argued that it was a consensual relationship of the boy and the girl and sought to place reliance on the photostat copies of the photographs taken from the net as well as other such sources arguing that a false case has been registered by the father of the girl for a motivated cause. Further arguing that petitioner is behind the bars since a long time and being both grown up and in the absence of any evidence of blackmailing and threats and there being no evidence of stalking by the accused together with the fact that the trial is not likely

to be concluded in near future prayed for grant of bail.

Mr. Rajiv Vij, APP for U.T. Chandigarh assisted by SI Suneel Kumar, Cyber Crime, Chandigarh has vehemently opposed the grant of bail on the grounds that the petitioner had repeatedly by sending the morphed pictures of the girl, which were objectionable in nature and in spite of compromise did not desist from doing so and rather circulated the same to the acquaintances of the complainant and therefore has defiled a married woman and such an act is in itself suggestive of element of blackmailing. It is argued that if the petitioner is allowed bail would certainly threaten the witnesses of the prosecution and might stifle the trial.

Going through the submissions of the two sides without feeling the necessity to comment on the very documentary evidence of the prosecution over the alleged morphed photographs of the girl, which were never placed on the records to protect the privacy of the victim as it might prejudice either of the parties at the trial. The innumerable documents placed on the police file shown to the Court show that the petitioner has not refrained from carrying on these nefarious activities in spite of complaints to the police where the petitioner and his family have promised not to commit such an act and he is repeatedly doing so. The conduct of the petitioner in ensuring that the engagements on earlier occasions of the victim are called off every time and sending of such objectionable photographs on the net and to the in-laws of the girl, friends and acquaintances of the complainant side are matters which reflect upon the revengeful attitude of the petitioner. While doing so by his acts, he has defiled the

womanhood and has tried to bring disrepute to a newly married bride for a motivated cause. What has been done by the petitioner has immense harm caused to the complainant side and that such like nefarious activities on the net of blackmailing, seducing by such mischievous and clever persons need to be curbed. The Courts being tools of social justice must ensure that the society needs to be protected from such elements and the apprehension of the State that if the petitioner is allowed bail would stifle the trial certainly to the mind of this Court is not unfounded. As there has been innumerable instances of threats being meted out by the petitioner to the complainant side, finding no merit in the present petition, the same stands dismissed.

January 16, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No