

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

Decided on: 04.04.2019

1. CRM-M No.3520 of 2019 (O&M)

Ashok Kumar

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.3697 of 2019 (O&M)

Ranbir Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.P. Sharma, Advocate
for the petitioner (in CRM-M-3520-2019)

Mr. Neeraj Sheoran, Advocate
for the petitioner (in CRM-M-3697-2019)

Mr. Himmat Singh, DAG, Haryana (in both the petitions)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Ashok Kumar and Ranbir Singh under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.283 dated 06.06.2018, for offence punishable under Sections 419, 420, 120-B of the Indian Penal Code (in short 'IPC') and 66, 66-C of the Information Technology (Amendment) Act, 2008 registered at Police

Station Mohindergarh, District Mohindergarh.

Counsel for the petitioners have submitted that as per the allegations in the FIR, got registered by one Suman wife of Bharat Singh, it is stated that on WhatsApp, by tampering with her photograph and by pasting the photo of the petitioner – Ashok Kumar in place of the photo of her husband, the same has been circulated by mentioning it as 'Jodi No.2018' and it has been sent to various persons in the village and her relatives and in that manner, they have committed the offence. It is further submitted that the petitioner – Ashok Kumar is in custody since 20.12.2018 and the petitioner – Ranbir Singh is in custody since 01.12.2018.

Counsel for the petitioners have further submitted that challan has been presented and at the time, when the case was fixed for framing of the charge, the complainant moved an application through her counsel before the trial Court, in which it is stated that, in fact, one Krishan Kumar son of Mange Ram has committed the offence by using his mobile phone bearing No.9416120633 and he, by playing a fraud, posted the photograph of Ashok Kumar in place of complainant's husband and the police has not conducted the fair investigation and has submitted that the challan has been presented without looking into the role of the aforesaid Krishan Kumar. It is further argued that the case is now fixed for arguments on the said application.

Counsel for the petitioners have referred to the certified photocopy of the application moved by the complainant – Suman as well as the orders passed by the trial Court, vide which the case was

adjourned for hearing the arguments on the application filed by the complainant.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner – Ashok Kumar is in custody since 20.12.2018 and the petitioner – Ranbir Singh is in custody since 01.12.2018; challan has been presented and the conclusion of the trial is likely to take some time, these petitions are allowed and the petitioners namely Ashok Kumar and Ranbir, are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

04.04.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No