

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

CRM M-53220 of 2018

Date of Decision: March 28, 2019

(1) Nitin SharmaPetitioner

Versus

State of Haryana Respondent

CRM M-53910 of 2018

(2) Vineet KumarPetitioner

Versus

State of Haryana Respondent

CRM M-6280 of 2019

(3) MandeepPetitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

**Present : Mr. S.K. Yadav, Advocate
for the petitioner in CRM M -53220 of 2018.**

**Mr. Khitij Sharma, Advocate for
for the petitioner in CRM M 53910 of 2018.**

**Mr. Jagjeet Beniwal, Advocate
for the petitioner in CRM M-6280 of 2019.**

Ms. Dimple Jain, Asstt. A.G., Haryana.

**Mr. Rahul Bhargava, Advocate
for the complainant.**

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off the above detailed three regular bail applications moved by, petitioners, namely, Nitin sharma, Vineet Kumar and Mandeep in FIR No. 214 dated 12.05.2017 under Section 499, 509, 120-B and 228-A IPC and Section 66(E)/67(A) of I.T. Act, 2000, registered at Police Station City Narnaul, District Mahendergarh. As the bail applications have been filed in the same very FIR, for the sake of brevity, they are being disposed off together by a common order.

The brief facts brought to the notice of the Court are that on 18.04.2017, a news item was broad-casted with the name **“Love Sex and Dhokha”**, wherein, imputations were alleged to have been made against complainant Anup Kumari demeaning her image and personal life. It was on her complaint, the present case was got registered, in which, accused/petitioners Nitin Sharma and Vineet Kuamr were arrested on 16.10.2018 and accused petitioner Mandeep was arrested on 14.12.2018.

Mr. S.K. Yadav, Mr. Khitij Sharma and Mr. Jagjeet Beniwal, Advocates have argued that the petitioners are behind the bars since a long time and that the material which is alleged to be published/broadcasted by them is already with the Investigating Agency and there are no chances of any tampering with the same and the trial is not likely to be concluded in near future.

On behalf of the State, Ms. Dimple Jain, Asstt. A.G.,

Haryana assisted by Rahul Bhargava, learned counsel for the complainant has opposed the grant of the bail on the grounds of apprehension that the petitioners if allowed bail may tamper with the evidence and that the trial is underway.

Going though the submissions, admittedly, the petitioners are behind the bars. The alleged published/broadcasted material is in the possession of the Investigating Agency, which is to be produced at the trial and, thus, the averment that the petitioners if allowed bail would tamper with the same is too a remote apprehension.

In the light of the period already undergone and the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future, this Court is of the opinion that it is a fit case for grant of bail. Accordingly, the accused/petitioners, namely, Nitin Sharma, Vineet Kumar and Mandeep are ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

March 28, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No