

CRM-M-33297-2019 (O&M)  
Date of Decision : 28.11.2019

Rahul Nagpal

.....Petitioner

versus

State of U.T. Chandigarh

....Respondents

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

**Present:** Mr. C.M. Munjal, Advocate  
for the petitioner.

Mr. Deepinder Brar, Addl.P.P.,  
for the respondent-U.T. Chandigarh.

**FATEH DEEP SINGH, J. (ORAL)**

The petitioner-Rahul Nagpal, who is in custody since 18.11.2018, in a case bearing FIR No.210 dated 16.11.2018 under Sections 354-D, 383, 384, 499, 503, 507, 509, 511 and 120-B of the Indian Penal Code and Sections 67 & 67-A of the Information Technology Act, 2000 registered at Police Station Sector 49, Chandigarh, has sought regular bail through this second bail application.

The present case was registered by father of the girl, then

aged around 29 years, alleging that the accused happens to be her class fellow and used to often stalk her on social media. The father alleges that as a mark of caution, they changed the mobile number of the daughter but the accused did not desist from doing so and often upon her marriage have been sending her obscene messages and making calls from various numbers and even went to the extent of calling her in-laws leading to the registration of the present case.

Learned counsel for the petitioner submits that the petitioner is in custody for more than one year and that the petitioner has been falsely implicated on fabricated allegations, when, in fact the petitioner and the girl, were having platonic relationship.

The learned State counsel, on instructions from SI Sunil Kumar, Police Station Sector 49, Chandigarh, accepts the factual scenario as has come about from the side of the petitioner but has opposed the grant of bail on the ground that the petitioner, if allowed bail, might stifle the trial.

The petitioner, admittedly, is behind the bars for more than one year. The only allegations that have come about against the petitioner are that he followed the girl and, thereafter, her marriage, on the social media and often threatened her with dire consequences. Keeping in view the period of incarceration and the fact that the trial is not likely to be concluded in the near future and it would serve no useful purpose to further detain the petitioner in

custody, the present petition is allowed. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned subject to the undertaking, by way of affidavit, before the Magistrate where bonds are to be submitted that he will not misuse this concession of bail by interfering in the trial, following the victim on the social media or act in any manner, which is intimidatory and becomes an irritant in her matrimonial life.

The petition stands disposed off accordingly.

28.11.2019

Neha

(FATEH DEEP SINGH)  
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No