

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.62018 of 2018
Decided on: 11.01.2019

Charan Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Surinder Singh, AAG, Haryana.

Mr. V.K. Jakhar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner 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 IT Act, registered at Police Station Mohindergarh, District Mohindergarh.

Counsel for the petitioner has submitted that the allegations against the petitioner are that he received a photograph from co-accused Ashok Kumar on his mobile phone, in which in place of the photograph of the husband of the complainant, co-accused Ashok put his own photograph and added some obscene remarks as **“Jodi No.2018”** and forwarded the same on a Whatsapp group and the same was circulated in the entire village by defaming her. It is further

submitted that the only allegation against the petitioner is that on receiving the aforesaid photograph, he has forwarded the same to other persons. It is also submitted that the petitioner is in judicial custody since 02.09.2018 and his custodial interrogation is not required.

Counsel for the State, on instructions from HC Krishan Kumar, has submitted that co-accused Ashok Kumar has already been arrested and challan has also been presented before this Court. This fact is not disputed by counsel for the complainant.

Without commenting anything on merits of the case, considering the fact that the offences are triable by the Court of Magistrate; challan stands presented and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

11.01.2019

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No