

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

**CRM-M-18634-2019(O&M)  
Date of Decision: 17.08.2021  
(Heard through VC)**

**Abhishek Kumar**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Roshan Lal Batta, Sr. Advocate with  
Mr. Mandeep K. Sajjan, Advocate  
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Rakesh Nehra, Sr. Advocate with  
Mr. Atul Ravish, Advocate  
for the complainant.

**JAISHREE THAKUR, J. (Oral)**

**CRM No- 999-2021**

Prayer in the application for placing on record the documents  
(Annexure P-3, P-4 i.e. Result of Data Extraction and evidence)

Allowed as prayed for.

All the said documents are taken on record.

**CRM No- 3957-2021**

Prayer in the application for placing on record the documents  
(Annexure P-3, P-5 and P-6 i.e. Result of Data Extraction, Recovery memos  
dated 18.01.2021 and 21.01.2021).

Allowed as prayed for.

All the said documents are taken on record.

**CRM No- 9575-2021**

Prayer in the application for placing on record the documents (Annexure P-6, P-7(colly) i.e. Copy of challan dated 12.04.2019 and supplementary challan dated 28.11.2019).

Allowed as prayed for.

All the said documents are taken on record.

**CRM-M-18634-2019**

The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case FIR No.08 dated 04.01.2018 under Sections 306/354D IPC and Section 66E of the Information Technology Act registered at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said FIR. It is contended that the petitioner is a student and has been nominated as an accused by the complainant on the ground that he had objectionable material on his mobile phone and was blackmailing the deceased which led her to commit suicide. It is argued that there is an allegation that the petitioner uploaded an objectionable video on a whatsapp group which was also another cause for the deceased to commit suicide. It is also submitted that the pendrive made available to the investigating officer would also not reflect any objectionable photograph and, therefore, the petitioner who has been in custody since January 2019, ought to be allowed regular bail.

Learned State counsel on instructions from ASI Ramesh

from the petitioner and another accused nominated under the FIR, out of which two mobile phones sent to the FSL, could not be accessed due to pattern lock and no data could be extracted from the same. However, data from the mobile phone belonging to the petitioner was extracted. It is further submitted that in fact the video that was made viral was from the phone of one Amit who has already been allowed regular bail. The mobile phone of Amit was one of that mobile phones which could not be accessed on account of having been locked via pattern locking and it is only on the disclosure statement of the present petitioner that it is being said that co-accused Amit had made the video viral.

At this stage, learned senior counsel for the complainant would submit that the deceased committed suicide on account of objectionable video having been made viral via the petitioner's mobile phone who has not cooperated in opening out the phone of co-accused Amit.

I have heard counsel for the parties and have also perused case file.

Keeping in view the fact that Amit, one of the co-accused, has already been allowed regular bail and that the the petitioner has been in custody since 18.01.2019 which is almost 2 ½ years and primarily because the complainant is not stepping forth to have his statement recorded and the trial is lingering on, I deem it appropriate to allow the benefit of regular bail to the petitioner at this stage. It is noticed that the complainant has not stepped forth in the witness box and now conditional warrants of arrest have been issued against him.

The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond in the sum of Rs.3,00,000/- with one surety to the like amount to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

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|-----------------------------|-------------------|----|
| 17.08.2021                  | (JAISHREE THAKUR) |    |
| Riya                        | JUDGE             |    |
| Whether speaking/reasoned : | Yes               | No |
| Whether Reportable :        | Yes               | No |