

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-1883-2022

Date of Decision: 17.11.2022

Vikram @ Vicku

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Sanjay Khan, Advocate for
Mr. Abhishek Chha, Advocate for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.358 dated 27.5.2021 under sections 354-A, 506 IPC and section 12 of POCSO Act (further in challan section 354-D and section 8 of IPC were added) registered at Police Station, City Sonapat.

As per factual matrix, a complaint was lodged by the father of the victim, wherein it was alleged that his daughter is 17 years of age. She used to go to tuition and during that time Vikram son of Ajmer i.e. the present petitioner used to stalk her. He started troubling her time and again. He took her obscene photographs and started threatening her. Out of fear her daughter did not disclose the same but later on they received the threats from the mobile number of the accused. Having no alternative complaint was lodged to take legal action against the culprit.

On the basis of the complaint, present FIR was registered and investigation commenced. During investigation, petitioner was arrested on

1.9.2021. He approached learned Addl. Sessions Judge, Fast Track Court, Sonipat for grant of bail, however, after hearing the parties, the same was declined vide order dated 2.11.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the allegations made by the complainant are to the extent that the petitioner took her obscene photographs and threatened to make them viral. It is submitted that a thorough investigation was conducted and these allegations were never substantiated. Counsel submits that petitioner has been implicated in the present case only for the reason that victim in this case is a minor being less than 18 years of age. He submits that petitioner has no criminal antecedents and hence he deserves to be granted the benefit of bail. He further submits that petitioner approached the learned Fast Track Court, Sonapat for grant of bail which was wrongly declined without taking into consideration the facts and circumstances of the case. Counsel submits that bail of the petitioner was declined on the ground that he would influence the prosecution witnesses. He submits that as on date the material witnesses including the victim have already been examined and the petitioner has completed more than one year behind the bars.

On the other hand, learned State counsel submits that there are specific allegations against the petitioner. He submits that prosecutrix in this case is a minor and she has supported the case of prosecution through out. It is submitted that she has been examined by the learned Trial Court where also she has supported the case of prosecution. It is submitted that in

all there are 20 prosecution witnesses out of which 12 including the material witnesses have been examined. He submits that as per information provided to him petitioner has no criminal antecedents.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 1.9.2021. The allegations pertaining to blackmailing the victim on the strength of the obscene photographs were not substantiated during investigation. Material witnesses already stands examined and hence possibility of the petitioner influencing them no more survives. As per information provided by learned State counsel, petitioner has no criminal antecedents. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

17.11.2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No