

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(216)

CRM-M-8959-2022

Date of decision: - 30.05.2022

Rajiv Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.133 dated 18.09.2021, registered under Sections 120-B, 509 IPC and Section 67-A of the Information Technology Act, at Women Police Station, District Panchkula.

Learned counsel for the petitioner has submitted that a perusal of the FIR would show that the complainant had named five persons as accused, but she had not named the present petitioner and from the FIR, it is apparent that there was a relationship of some nature between the complainant and co-accused Akhilesh Mishra, on account of which, the complainant had shared her number with the said co-accused

Akhilesh Mishra. It is further submitted that the petitioner has been implicated in the present case on the basis of the call records and he has never personally harmed the complainant and even as per the allegations in the FIR, he has not caused any injury to her and in fact, never even met the complainant. It is further submitted that the petitioner has been in custody since 13.01.2022 and there are 8 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is also submitted that the petitioner is not involved in any other case and the maximum sentence that may be awarded for the alleged offences is five years and the present case is triable by the magistrate.

Learned State counsel, on the other hand, has opposed the present petition for the grant of regular bail and has submitted that the complainant received obscene messages and videos on her phone and after inquiry, it was found that the same were being sent from the mobile phone of the petitioner and thus, the petitioner does not deserve the concession of regular bail. The factum with respect to the custody and that the petitioner is not involved in any other case, is not disputed by learned State counsel.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner is stated to be in custody since 13.01.2022 and the challan has already been presented and there are 8 prosecution witnesses, none of whom have been examined. The petitioner is stated to be not involved in any other case and the offences are triable by magistrate. Further, the petitioner has not harmed the complainant and

from the FIR, *prima facie*, it is apparent that there was a relationship of some nature between the complainant and co-accused Akhilesh Mishra and also, the petitioner has not been named by the complainant in the FIR.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to her not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

May 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No