

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.220

CRM-M-19383-2022 (O&M)

Date of decision: 24.08.2022

Monu Dangi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.64 dated 31.01.2022 registered under Section 354-D, 506, 120-B IPC, Sections 66-E and 67-A of Information Technology Act, 2000 and Section 3(2)(VA) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station IMT, Rohtak.

Briefly stated, the case of the prosecution is that in the year 2021, the complainant lodged an FIR under Sections 376 IPC, Sections 67-A, 67 and 66-E of Information Technology Act and Section 3(i)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against co-accused Rajiv. In such case, after Rajiv was released on bail, he started harassing the complainant through text messages, sending her nude photographs on her Instagram ID as also by giving her repeated phone/video calls. In this regard, the complainant filed a complaint with the police on the basis whereof the FIR in question was registered.

Investigation of the FIR in question revealed that the nude photographs sent

to the complainant's Instagram ID were from the petitioner's Instagram ID. On such basis, the petitioner was arrayed as an accused and arrested. While in custody, the petitioner disclosed that Rajiv was his friend and it was he who had used his Instagram ID to send nude photographs to the complainant.

After completion of the investigation, the State filed a report before the competent Court under Section 173 Cr.P.C. seeking therein to prosecute the petitioner alongwith other co-accused including Rajiv. It is at that stage that the petitioner has knocked the doors of this Court for the grant of regular bail.

Learned counsel for the petitioner submits that the petitioner, who is a 26 year old young man, has been falsely implicated in this case only because he is known to the main accused Rajiv; the petitioner has no other criminal antecedents; rather, the petitioner is a student of M.A. Geography and has no connection with the crime he is accused of; it has come on record that co-accused Rajiv against whom the complainant had earlier filed a case for him having raped her had used the phone/electronic equipment of other persons including his uncle to send messages to the complainant; the only evidence against the petitioner is his alleged disclosure statement which is not admissible in law; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; the petitioner has no concern with the alleged sending of nude pictures of the complainant to her as he was not even known to her; the petitioner is in custody since 16.03.2022 and that in view of the afore submissions further incarceration of the petitioner is unnecessary.

Learned State counsel opposes the grant of bail to the petitioner

on the ground that he has harassed the complainant by sending her nude pictures on her Instagram ID.

Whether co-accused Rajiv used the petitioner's ID without his knowledge and the evidentiary value of the petitioner's disclosure statement allegedly made by him in police custody would be debated during the course of his trial. However, the petitioner is a young man aged 26 years; he has no other criminal antecedents; he is a student of M.A. Geography; he is in custody for the last over 05 months and that the investigation in the case is complete.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

August 24, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No