

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

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CRM-M-42865-2021

Date of Decision : **April 04, 2022**

RAHUL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Lalit Singla, Advocate for
Mr. R.N.Lohan, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.121 dated 11.12.2020 under Sections 66(E) and 67(A) of I.T.Act, Sections 376(2)(n), 328, 354A, 354C, 377, 384, 506 and 120B IPC, registered at Police Station Women, Jind.

As per the FIR which was lodged by the prosecutrix against the petitioner, namely, Rahul and one other co-accused, namely, Aakash, for allegedly committed rape upon her and extorting money by blackmailing and threatening to kill her after making an obscene video of the prosecutrix in collusion with the other co-accused. Detailed allegations have been levelled in the FIR and thereafter the prosecutrix has also been examined as PW2 and has supported the prosecution case.

The learned counsel for the petitioner has submitted that the

petitioner is in custody from 13.12.2020 and the prosecutrix has since been examined and, therefore, his successive bail application would be maintainable. He submitted that now since the prosecutrix has been examined, he may be considered for the grant of regular bail. He further submitted that the petitioner is an unmarried boy and the allegations are that he had relations with the prosecutrix, who was married and had made obscene video and photographs of the prosecutrix and threatened her to make it viral and demanded an amount of Rs.1 lac. He submitted that such kind of video is not available even with the prosecution and the story put forward by the police and the petitioner was a fabricated story.

On the other hand, the learned State counsel has vehemently opposed the grant of regular bail to the petitioner on the ground that although the prosecutrix has been examined and she has supported the case but it is a case where allegations are pertaining to some obscene video and photographs allegedly made by the petitioner. He further submitted that while deposing before the trial Court as PW2, the prosecutrix has also stated that some photographs were sent to her husband as well and, therefore, has submitted that in case the petitioner is released on bail then there is every likelihood that the petitioner may use the video and photographs again which will cause irreparable damage to the reputation of the prosecutrix.

I have heard the learned counsels for the parties.

Although the petitioner is in custody from 13.12.2020 and the prosecutrix has since been examined but as per the allegations in the FIR, the magnitude and the gravity of the present offence would disentitle

the petitioner for the grant of regular bail. The apprehension expressed by the learned State counsel that in case the petitioner is released on bail then he may misuse the video and the photographs which cannot be ignored.

Therefore, considering the aforesaid position, this Court is of the view that it is not a fit case for the grant of regular bail to the petitioner.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 04, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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