

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-43392-2022

Date of decision: 11.11.2022

Rahat Pabley

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Puneet Bali, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.50, dated 23.08.2022 registered for the offences under Sections 354-D, 506, 509 of IPC, 1860, and Section 67 of Information Technology (Amendment) Act, 2008, however, Section 204 of IPC was added later on, at Police Station Cyber Crime, Gurugram, District Gurugram, Annexure P-1.

FIR, Annexure P-1, has been registered on the complaint of a young lady (hereinafter referred to as “the complainant”) on the allegation that since the last 3-4 months, Rahat Pabley (present petitioner), has been sending her abusive messages and rape threats as well as pictures of his private parts on Instagram. It has been alleged that

he had indulged in a similar activity about 04 years back and this is the third time. By giving details of the Instagram IDs, complainant stated that on 21.08.2022, he again sent her abusive messages. She has stated that the accused was her batch-mate in a private University in the year 2018.

By referring to Medical Certificates appended as at Annexure P-2 collectively, learned senior counsel contends that the petitioner suffers from Bipolar Disorder, which is characterized with extreme mood swings since 2016 and has been under treatment. He urges that the petitioner, who is a young man and is studying, has been embroiled in a false case and the offences as alleged are not made out. He asserts that the petitioner is no longer required for custodial interrogation as investigation is complete and *challan* has been presented. He has prayed for the release of the petitioner on bail as he is in custody since 24.08.2022.

Per Contra, learned State counsel, upon instructions from Inspector Neeraj Kumar, has opposed the petition and has submitted that the Instagram IDs have been found to be linked with the mobile number of the petitioner. It is her submission that the offences are serious and during investigation sufficient incriminating material has been found against the petitioner. She has instructions to state that although final report has been submitted, but charge has not been framed.

Having considered the submissions addressed by counsel for the parties, but without adverting to the merits or de-merits of the arguments addressed, this Court is *prima facie* of the view that the

involvement of the petitioner in the offence would remain a subject matter of debate before the trial court. Noticing the fact that *challan* has been presented, the age of the petitioner, his medical condition, length of custody and the stage of the proceedings, this Court is of the opinion that he deserves to be enlarged on bail.

Petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

While being released on bail, the petitioner will furnish an undertaking by way of an affidavit to the Trial Court/Duty Magistrate to the effect that he will neither try to contact nor meet the complainant or her family members physically or electronically or by any other means during the pendency of the proceeding arising out of the FIR.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.11.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No