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

CRM-M-52450-2021

Date of decision : 28.01.2022

Gurmeet

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.213 dated 18.08.2021, under Sections 354-C, 389, 506, 34 IPC; Section 67-A of the Information Technology (Amendment) Act, 2008 and Section 8 of POCSO Act, 2012, registered at Police Station Pratap Nagar, District Yamuna Nagar.

As per the factual matrix of the case, the present FIR was registered by Amit Kumar son of Naresh Singla. It was alleged that he has one son and one daughter who is aged about 16 years and she has passed

10th class. She used to go for tuition for preparation of 10th class where Navneet son of Bal Kishan also used to come and due to the same, both i.e. his daughter and Navneet used to know each other. Both of them used to chat on Instagram. Navneet thereafter, prepared a false ID in the name of his daughter and used to chat on the ID also. He used to send screenshots of that chat to his daughter and started blackmailing his daughter. He used to extort money from his daughter. Thereafter, Navneet introduced his daughter with Gurmeet i.e. the petitioner and Shivang Walia as well. All three of them edited photographs of his daughter and made it obscene and send it to her. His daughter was threatened to pay Rs.50,000/-, failing which, they would viral her photographs. Being afraid, his daughter paid Rs.50,000/- to these boys after having stolen the money from the home. When Rs.50,000/- was found missing from the house, he strictly asked his daughter and she informed everything to him and told that Navneet is further demanding Rs.1,00,000/- from her because he is in dire need of money. The FIR was lodged to take the legal action against the culprits. The investigation commenced and the petitioner was arrested on 20.08.2021. The petitioner approached learned Additional Sessions Judge, Yamuna Nagar at Jagadhari for the grant of bail who after hearing counsel for both the parties dismissed the same vide order dated 21.09.2021. Aggrieved by the same, the petitioner approached this Court praying for the grant of bail.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. He submits that main

accused Navneet and co-accused Shivang Walia both have been granted the concession of regular bail by the Juvenile Justice Board. He submits that the matter was investigated, challan was presented and after framing of the charge, now the Court has commenced with the recording of the evidence of the witnesses. He vehemently contends that the false implication of the petitioner is writ large from the very fact that the victim has been examined as PW-1 by the trial Court and she has not supported the case of the prosecution. He has placed on record the copy of her deposition wherein she deposed that she did not know accused Gurmeet present in the Court. Hence, on the request of Special Public Prosecutor, she was declared hostile. He submits that the material witness victim herself has not supported the case of the prosecution. On the other hand, co-accused who are also accused as per the allegations have already been granted bail as they were juvenile. He submits that in the overall facts and circumstances, it is evident that the petitioner has been falsely implicated and the prosecution is left with no material evidence against the petitioner and hence, further incarceration of the petitioner is totally unwarranted. He submits that the petitioner deserves to be enlarged on bail.

Learned counsel for the complainant submits that he has no objection if the petitioner is granted bail.

Learned State counsel though has opposed the submissions made by learned counsel for the petitioner. He submits that the victim is minor and there are specific allegations against the petitioner. However, he candidly acknowledges that the victim has not supported the case of the

prosecution. He further submitted that out of 16 prosecution witnesses, 04 witnesses have been examined.

I have heard learned counsel for the parties and perused the records.

Petitioner is behind the bars since 20.08.2021. The co-accused who are juvenile have already been granted bail. So far, the petitioner is concerned, the victim has not identified him in the Court and having not supported the case of the prosecution, has been declared hostile. The veracity of the allegations would be evaluated by the trial Court only after appreciation of the evidence led by the parties. However, confining itself to the plea made for the bail, this Court finds that learned counsel for the petitioner has succeeded in making out a case for grant of regular bail. In the overall facts and circumstances of the case, it is apparent that the trial of the case will take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.01.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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