

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

CRM-M-48440-2022

Date of decision : 21.10.2022

Nitin Dhawan

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in case FIR No121 dated 4th of August, 2022, registered for offences punishable under Sections 384, 506, 120-B of the Indian Penal Code, 1860 at Police Station City Batala, Police District Batala, District Gurdaspur, Punjab, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. As per the allegations levelled in the FIR, complainant alleged extortion at the hands of a Youtube news channel which was running fake news. Counsel for the petitioner submits that the petitioner is a student of Mass Communication Journalism and was merely working as trainee with couple of news channels including the news channel in question. He submits that the petitioner does not own the news channel. So far as the allegations w.r.t. the extortion are concerned, the same have been levelled against the owners of the news channels i.e. Narinder Kaur and Rinku Raja.

He, thus, submits that the petitioner is ready to join investigation. No recovery is to be made and, thus, custodial interrogation of the petitioner will not be necessary.

3. Ld. State Counsel along with Mr. J.S. Gill, Advocate appearing on behalf of the complainant submit that there are serious allegations against the petitioner, who along with co-accused was indulging in blackmailing the complainant and demanding extortion money. Counsel for the complainant submits that the co-accused(s) are still indulging in fake clips despite their bail applications having been dismissed by this Court. He refers to the order passed by this Court in CRM-M No.39104 of 2022 dated 31st of August, 2022 whereby dismissing the bail application of Narinder Kaur this Court observed as under :

“I have heard learned counsel for the parties and have gone through the record of the case.

“We are not fighting an epidemic, we are also fighting an infodemic.”

Said the Director General of World Health Organization raising concern about misinformation on social media during covid-19 crises:

When such misinformation is spread with an intention to extort money it is a cause of serious concern. Social media including You Tube has a wide coverage. Any fact published thereupon has an effect on public at large.

Owing to the expanse of the material published on social media any misinformation thereupon has an effect of ruining reputation of any person within hours. Thus, the publisher on the social media not only needs to be more responsible but has to be made accountable. While the society is grappling to regulate the

material on social media, the person like petitioner indulging in black mailing and extorting money pose serious threat to the society at large.

In the present case, allegations are not merely of publication of fake news but that of black mailing and demanding extortion money.

Keeping in view the seriousness of the allegations and the far reaching ramifications of the action of the accused, no ground for pre-arrest bail is made out.”

4. In all fairness to Mr. Mahajan appearing for the petitioner, the order whereby pre-arrest bail application of the co-accused was dismissed has been placed on record as Annexure P-3.

5. I have heard counsel for the parties and have gone through the evidence on record.

6. Mr. Mahajan may be right in submitting that the petitioner is not one of the owners of the news channel against which the allegations have been made. However, he is not in position to deny the fact that news items exhibit that he is one of the correspondents and is alleged to be one of the conspirators. Thus, this Court finds that there is no distinguishing feature which would warrant different treatment to be meted out to the present petitioner.

7. Consequently, no ground for pre-arrest bail is made out.

8. The instant petition is dismissed.

9. At this stage, Ld. Counsel for the petitioner submits that the petitioner is ready to surrender before the Trial Court.

10. In case, the petitioner surrenders before the Trial Court, his bail application shall be decided within a week in accordance with law.
11. Needless to say nothing observed herein shall be taken to be an expression on the merits of the case.

October 21, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No