

NARENDER @ DILLA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Akshay Kumar Jindal, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Narender @ Dilla-petitioner is seeking regular bail in the case bearing FIR No.629 dated 09.09.2022 under Sections 328/376(2)(n)/506 IPC and Section 67 (A) of Information Technology Act, 2000, registered at Police Station Panipat City, Panipat.

Learned counsel for the petitioner contends that primarily the allegations with regard to commission of rape and preparing obscene videos of the prosecutrix have been attributed against Sachin, the co-accused. The name of the petitioner does not find mention in the FIR or in the statement of the prosecutrix recorded under Section 164 Cr.P.C. The prosecutrix is aged about 19 years. In the disclosure statement of Shubham @ Sachin, the co-accused, it had emerged that the obscene video of the prosecutrix was forwarded to Ankush, the co-accused who uploaded the same on facebook. Furthermore, Ankush, the co-accused had also forwarded the video to the petitioner who had also uploaded the same. The petitioner is in custody for a period of 02 months and 22 days and is

not involved in any other case. The investigation of the case is complete and challan has been presented.

Learned State counsel has opposed the bail application on the score that there are serious allegations levelled against the petitioner.

Be that as it may, the allegations with regard to the commission of sexual intercourse have been attributed to the co-accused. The name of the petitioner has emerged in the disclosure statement of the co-accused. The only allegation against him is to the effect that the petitioner had uploaded the obscene videos of the prosecutrix which were forwarded to him by Ankush, co-accused. Furthermore, prior to the uploading of the videos by the petitioner, the same were also uploaded by Ankush, co-accused. The petitioner is in custody for a period of 02 months and 22 days and is not involved in any other case. The investigation of the case is complete, challan has been presented and the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

12.12.2022
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(VIVEK PURI)
JUDGE

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