

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 202)

CRM-M No. 434 of 2023

Date of decision : 17.08.2023

Inderjeet Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Neeraj Yadav, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. A. G., Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) Through the present petition the petitioner seeks regular bail in FIR No.378 dated 06.10.2021 registered under Sections 354-C, 509, 305 and 116 IPC, Sections 66-E and 67-B of the Information Technology (Amendment) Act, 2008 and Sections 6 & 12 of the POCSO Act, 2012 (Section 305 IPC deleted later on) at Police Station City Rewari, District Rewari.

(2) Briefly stated, the case of the prosecution is that the victim, aged 11 years, came in contact with co-accused Kavita who earlier behaved nicely; thereafter, by giving threats clicked nude photographs of the victim and made the victim indulged in sexual acts as also shared nude pictures of the victim with the petitioner by video calling.

(3) The petitioner is further accused of having video called the victim and asking her to share nude pictures of herself leading to the victim being depressed and wanting to even commit suicide.

(4) Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he has no other criminal antecedents; he has suffered actual custody of 01 year, 09 months and 15 days; all the material prosecution witnesses in the petitioner's trial have since been examined; even if the case of the prosecution is accepted as the gospel truth, through vehemently denied, there is no allegation of any physical sexual act between the petitioner and the victim; except the statement of the victim there is no other evidence with the prosecution of the petitioner having ever made any video call to the victim and that since 09 prosecution witnesses still remain to be examined in the petitioner's trial, the same will take a long time to conclude.

(5) Learned State counsel opposes grant of regular bail to the petitioner on the ground that he has indulged in sexual acts with a 11 years old victim through telephone which has affected her psyche to the extent that she even wanted to commit suicide.

(6) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(7) The petitioner has suffered actual custody of 01 year, 09 months and 15 days; he has no other criminal antecedents; all the material prosecution witnesses in the petitioner's trial have since been examined; the main allegations by the alleged victim are against co-accused Kavita and that

since 09 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

(8) In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rewari, the petitioner is directed to be released on bail.

(9) It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

17.08.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No