

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-1407-2023

Date of Decision:-31.05.2023

Vasif.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jamshed Ahmed, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.31 dated 05.07.2022 under Sections 420, 120-B IPC and Section 66C and 66D of IT Act 2000 and Section 384 IPC added later on registered at Police Station Cyber Crime, SAS Nagar, (Punjab).

2. The aforementioned FIR was registered on the complaint of Harinder Singh Mann who stated that his father Jangir Singh had received a WhatsApp Video Call from 8902662213. As per statement of victim Jangir Singh, he had received a WhatsApp Video Call on 13/14.05.2022 and he disconnected the same as the caller displayed objectionable content. Later on he received a WhatsApp video message which showed that his video was captured with a nude girl. Subsequently, various calls were received from an unknown caller who introduced himself as Sanjay Singh from You Tube and claimed that he would upload his (Jangir Singh) obscene content on You

Tube if his (Sanjay Singh's) illegal demands were not met. A sum of Rs.15,22,000/- was transferred to the different account numbers provided by the accused.

During the investigation, the bank account details in which the complainant was forced to deposit money were analysed. It was revealed that the said bank accounts were linked to a mobile phone registered on the name of Aijaj son of Jekam resident of Village Jhantli, Bharatpur, Rajasthan. Aijaj was nominated in the present case and on his house being raided he was not found present. Thereafter, it was found that another mobile number registered in the name of Vasif (petitioner) had also been used in the occurrence. Therefore, Vasif was nominated as accused on 02.10.2022 and arrested on 04.10.2022. One mobile phone was recovered from him.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No specific role has been attributed to him. As he was in custody since 04.10.2022 and none of the 14 prosecution witnesses had been examined so far, therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner had disclosed that he (accused) had created various fake social media profiles by impersonating as girls and approached several random users by sending friend request. Thereafter he (petitioner) would contact the victims through WhatsApp Video Calls during which another phone was used to display pornographic videos and the victim's video used to be screen recorded. Thereafter the victims were blackmailed. The Counsel therefore contends that the petitioner is one of the main accused and nature of the allegations did not entitle him to the grant of bail. He however admits that the petitioner is in custody since 4.10.2022 and none of the 14 prosecution

witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held that in cases triable by a Magistrate unless there are serious allegations of accused absconding from trial, or tampering with the evidence, bail should be declined only in exceptional circumstances. Nothing specific has been pointed out by the prosecution that the petitioner would abscond from justice or tamper with the evidence if he was granted the concession of bail.

7. In the instant case the veracity of the prosecution case shall be established during the course of Trial. Admittedly, the petitioner is in custody since 04.10.2022 and none of the 14 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. As such his further incarceration is not required more so when the case is Triable by the Court of a Magistrate.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Vasif** son of Sh. Aasu Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of

the absence of the petitioner from the trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 31, 2023
Vinay

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