

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

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CRM-M-15377-2023

Date of Decision: 22.05.2023

Vishal @ Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mrs. Kiran Bala jain, Advocate with
Mrs. Pushp Gupta, Advocate for the petitioner
Ms. Priyanka Sadar, AAG, Haryana
Mr. Kanhiya Soni, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking concession of regular bail in FIR No.85 dated 28.10.2022 under Sections 384, 506, 509, 354-C of Indian Penal Code, 1860 (for short 'IPC') and Section 67-A of Information and Technology (Amendment) Act, 2008 registered at Women Police Station Sector 5, Panchkula.

2. The case of the prosecution is that on 28.10.2022 prosecutrix lodged a complaint alleging that she has two children. About 2 years ago, petitioner gave a phone call to her and thereafter they started talking with each other. Petitioner is blackmailing her and demanding money. She has given Rs.4 Lacs to the petitioner by borrowing loan and gold loan. Now the petitioner is making her video viral.

3. Learned counsel for the petitioner, *inter alia* contends that petitioner is in custody since 29.10.2022 and he is not involved in any other crime. The alleged offences are triable by Magistrate. The police has already recovered mobile of the petitioner, thus, nothing is to be recovered from him. Investigation stands concluded. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Mohali. The petitioner has deep roots in the society. There is no possibility of flee from justice.

4. Mr. Kanhiya Soni, Advocate appeared and filed his Power of Attorney on behalf of the complainant. The same is taken on record. Registry is directed to tag at an appropriate place.

5. Custody certificate dated 19.05.2023 is taken on record. As per custody certificate, the petitioner is in custody since 29.10.2022 and he is not involved in any other offence.

6. Learned State Counsel submits that police report has already been filed and charges are yet to be framed. She further submits that there are 14 witnesses.

7. The petitioner is in custody since 29.10.2022 and he is not involved in any other offence. Police report under Section 173 of Cr.P.C. stands filed and charges are yet to be framed. Nothing is to be recovered from the petitioner. The alleged offences are triable by Magistrate. The maximum sentence prescribed under Section 67-A of Information Technology Act is 5 years. The Trial Court yet has to return definite

findings on the disputed issues. There are 14 prosecution witnesses, thus, there is abysmally low possibility of conclusion of trial in near future.

8. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

9. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

10. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

22.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>