

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

CRM-M-22592-2023

Date of Decision:18.07.2023

Munna Chourdary

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rahul Makkar, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG Haryana.

DEEPAK MANCHANDA J. Oral

Second petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.238 dated 08.07.2022 registered under Section 66-C, 67-A of Information Technology Act, 2008 and Section 506 and 509 of Indian Penal Code at Police Station Sector 6, Bahadurgarh (Annexure P-1).

Learned counsel for the petitioner contends that after withdrawal of the earlier petition i.e. CRM-M-55762/2022, the trial is not progressing and petitioner is facing incarceration, wherein complainant has not been examined till date. Learned counsel refers to the order dated 24.07.2023 passed by the trial Court vide which the fresh summons to the complainant, namely, Lowrance Tundu Kujur have been issued. Learned counsel further contends that the petitioner has been falsely implicated in the present FIR, wherein initially he was not named and as per allegations, the facebook ID of the complainant

was hacked, where some obscene photographs of one Ram Bhateri Khatri were uploaded but there is no evidence to connect the petitioner with such crime and even investigation stands completed. Further, challan stands presented on 05.09.2022 and charges have been framed on 22.09.2022. Therefore, no useful purpose would be served by keeping the petitioner behind the bars and prays for grant of regular bail. It is also submitted that the petitioner is involved in another FIR bearing No.343/2022 registered under Sections 66-C, 67-A of IT Act and Sections 506/509 of IPC at Police Station City Bahadurgarh, District Jhajjar, in which he is on bail.

On the other hand, learned State Counsel on instructions from the Investigating Officer has opposed the aforesaid prayer on the ground that the petitioner is involved in one more case of similar nature, however, does not dispute that the challan stands presented and the charges have been framed as well as the claimant has not been examined till date.

Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that the petitioner is in custody for a period of one year and two months. Further investigation of the case has also been completed, challan stands presented and the charges have been framed. Further, out of 9 prosecution witnesses, 7 witnesses have been examined but it is not disputed that till today complainant has not been examined probably, who has lost interest in pursuance of the

criminal action. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration as the trial is not progressing.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

18.07.2023
sapna

(DEEPAK MANCHANDA)
JUDGE

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