

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26542-2023 (O&M)
Reserved on : 22.09.2023
Date of Decision : 26.09.2023

Akarshan Uppal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.S. Cheema, Senior Advocate with
Mr. Rajiv Kumar Trikha, Advocate for the petitioner.

Mr. Deepak Sabharwal, Addl. AG Haryana.

Mr. Chanderhas Yadav, Advocate for the complainant.

ALKA SARIN, J.

1. This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.775 dated 08.05.2023 registered under Sections 186, 342, 353, 354-B, 506 and 34 of the Indian Penal Code, 1860 (IPC) and Sections 67, 67(A) of the Information Technology Act, 2000, registered at Police Station Civil Lines, Karnal (offence under Sections 354-B IPC was omitted and offences under Sections 354, 354-D, 384 and 509 IPC and Section 66 E of the Information Technology Act, 2020 were added later on).

2. The brief facts relevant to the present case are that a FIR was registered by the complainant wherein it was alleged that while she was sitting in the Tehsil Office and was performing her public duties as usual, one person by the name of Sumit Kumar came there with his documents for getting the same registered. Since his documents were incomplete, his work could not be done and he was informed that he has to first complete his documents and then the registration would be done. However, the said Sumit Kumar came back along with one media person, namely the petitioner herein, and about 50-70 other people and started misbehaving with her. The petitioner who is a journalist threatened her. He shouted at her loudly and used filthy abuses and also insulted her. He created hindrance in the performance of her government duties and forced the public to give wrong statements. It is further the allegation that when she went to use the wash-room, the petitioner tried to make a video of her in the bathroom and when she raised her voice he locked the door from outside. Fed up with all this she informed the District Revenue Officer (DRO) on the phone and thereafter the DRO removed both Sumit Kumar and the petitioner from outside the bathroom of her office and only thereafter could she come out. On the basis of the said allegations the FIR was lodged.

3. Learned senior counsel for the petitioner has contended that the petitioner is a reporter and has been doing his job diligently and exposing high and mighty and that is the reason for the registration of the FIR. It is further the contention that the facts have been twisted and a totally concocted story has been put up. Learned senior counsel would further contend that the petitioner got a call from somebody in the office of the Sub Registrar, Karnal that the office was not

functioning properly and that the General Public was being harassed by the officials who were prolonging the work of registration of documents. After receiving the said information the petitioner visited the Tehsil premises where a large number of people had gathered and were raising hue and cry as they were not being attended to by the Tehsildar and other Officials of the Tehsil. A large number of people were stated to be senior citizens. It is further the case set up by the learned senior counsel for the petitioner that the petitioner went inside the office of the complainant, the complainant was not present in her office and it was revealed that she was sitting in the retiring room attached to her office. The complainant refused to come out of the retiring room. However, when he called her out she bolted the door of the retiring room from inside and did not come out for 45 minutes. Subsequently, the DRO came to the office and only thereafter the complainant came out of the room. Learned counsel has also referred to the pen drive, which has been appended with the petition, wherein the entire incident is recorded.

4. Learned senior counsel would contend that the petitioner has been in custody since 09.05.2023 and that present is a Magisterial Trial. It is further contended that the challan already stands filed in the present case.

5. Per contra, learned counsel for the State has vehemently opposed the grant of bail to the petitioner on the ground that the petitioner had misbehaved and had tried to out-rage the modesty of a lady officer while she was discharging her duties. Learned State counsel would further contend that the petitioner is a habitual offender against whom various other cases are pending. Learned State counsel, however, is not in a position to deny the fact that the present is a case of

Magisterial trial and that the challan already stands presented in the present case. Learned counsel for the State has also contended that reporting would not give a license to the petitioner to conduct himself in a unruly manner. It is further the contention that the petitioner has been posting videos of the incident as well as has been posting about the complainant on social media and despite him being in custody there are comments being made on social media by other people pertaining to the incident. It is further the contention of the learned State counsel that since grave allegations have been made against the petitioner, hence the present is not a fit case to grant concession of bail to the petitioner.

6. At this stage, learned senior counsel appearing on behalf of the petitioner on instructions from the assisting counsel has fairly stated that since the trial is pending the petitioner would remove all social media posts pertaining to the incident and further that the petitioner would not post anything on social media regarding the present incident in case he is granted the concession of regular bail.

7. Learned counsel for the complainant has also vehemently contested the grant of regular bail to the petitioner on the ground that the complainant is apprehensive about being threatened and intimidated and that she fears that the petitioner would try and put pressure on her to withdraw the present case.

8. I have heard learned counsel for the parties.

9. In the present case the petitioner, who is a Journalist, is alleged to have gone to the office of the complainant and is alleged to have misbehaved with the complainant. There are also allegations of the petitioner having bolted the door of the bathroom from the outside as also to have out-raged the modesty

of the complainant. Learned senior counsel for the petitioner has contended that the petitioner is a Reporter and was only there to report the fact that people were complaining about work not being done in the Tehsil office and that a totally false case has been projected against the petitioner.

10. The Supreme Court in the case of **Prabhakar Tewari Vs. State of U.P & Anr. [2020(1) RCR (Criminal) 831]** has held that merely because there are other cases pending against an accused, the same by itself cannot be a reason for rejection of bail. The present is a Magisterial trial and the challan already stands present in the case. As per the custody certificate, the petitioner has been in custody for a period of 04 months and 12 days. There is an apprehension, which has been expressed by the State counsel regarding the social media posts, which stand adequately addressed by the statement made by the learned senior counsel of the petitioner that all posts on social media pertaining to the present incident would be removed and in future nothing would be posted on social media pertaining to the present incident pending trial.

11. In view of the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the above-noted FIR on his furnishing adequate bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

12. Additionally, the petitioner shall not influence, pressurize or make any inducement threat or promise, directly or indirectly, to the complainant or the witnesses or any other person acquainted with the facts and circumstances of the present case.

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13. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

14. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

15. Disposed off accordingly. Pending applications, if any, also stand disposed off.

26.09.2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO