

CRM-M-26644-2023 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

:-

CRM-M-26644-2023 (O&M)
Reserved on : 22.09.2023
Date of Decision : 26.09.2023

Sumit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, 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 filed 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, 34, 342, 353, 506 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 (offences under Sections 354, 354-D, 384 and 509 IPC and Section 66E 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 (petitioner herein) 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 co-accused Akarshan Uppal, and about 50 to 70 other people. Further, the allegations are that Journalist Akarshan Uppal misbehaved with the complainant and also shouted at her and used filthy abuses and insulted her. The co-accused Akarshan Uppal is alleged to have created hindrance in the performance of her government duties and forced the public to give wrong statements. It is further the allegation in the FIR that when she went to use the wash-room, the media person Akarshan Uppal 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 (petitioner herein) and Akarshan Uppal 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 no overt act or mischief under Sections 354, 354-B, 354-D IPC and Section 67, 66A, 66E of the Information Technology Act, 2000 is made out against the petitioner. Rather, it is the petitioner who was aggrieved because of the hostile attitude of the complainant who refused to register his transfer deed despite the petitioner having approached her with prior appointment and had a complete set of documentation. Learned senior counsel would further 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.

4. Per contra, learned counsel for the State has contended that it was the petitioner on whose asking Journalist Akarshan Uppal had come to the Tehsil Office. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 04 months and 12 days and there is no other case pending against him. Learned State counsel 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.

5. 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.

6. I have heard learned counsel for the parties.

7. In the present case the petitioner had gone to the Tehsil Office to get certain documents registered and since the documents were not being registered he contacted the co-accused Akarshan Uppal, who is a Journalist, to come to the Tehsil Office. Learned senior counsel appearing on behalf of the petitioner has contended that the petitioner only called the Journalist Akarshan Uppal, even as per the allegations in the FIR, to the Tehsil Office since his documents were not being registered. The present is a Magisterial Trial and the challan already stands presented in the case. As per the custody certificate the petitioner has been in custody for a period of 04 months and 12 days.

8. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

9. 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.

10. 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.

11. 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.

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

26.09.2023
tripti

(ALKA SARIN)
JUDGE

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