

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213

CRM-M-38561-2023

Date of Decision: 19.09.2023

Arpit Jain

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.K. Aggarwal, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 430 dated 19.06.2023 (Annexure P-1) registered under Sections 354-D and 506 IPC (Sections 354 and 452 IPC were added later on) at Police Station Chandnibagh, District Panipat.

The aforesaid FIR was registered on the basis of a complaint moved by the complainant/prosecutrix, which reads as under:-

“..... It is stated that I was working as Assistant Professor in APIIT SD College Panipat in the year 2017. I left the job after three months. Arpit Jain also studied in this college who had bad eye on me. Therefore, I complained to his mother Vasudha Jain to which she scolded Arpit Jain. After this he has done nay such acts with me and after telling the

family members of Arpit, they scolded him and for few days he remains good but after that he follows me again and again. On 10.06.2023, the accused Arpit came to my house at around 3-4 PM. He acted inappropriately with me and threatened to take away my child. Now he messages me on my email ID- minakshi19@gmail.com again and again through various phone numbers and by making forge email IDs and threatens me of forcefully taking away me and my child and he can do ACID ATTACK, KIDNAPPING, RAPE etc. on my child. Apart from this, he gives false information to Professors and students working with me by connecting with them through different IDs. This has also hurt my social reputation and respect and I am always living in worry and mental tension. My life and property should be protected by taking legal action against him.”

Learned counsel for the petitioner, *inter alia*, submits that petitioner has been falsely implicated in the present case. It is submitted that the petitioner is a 25 years old young boy and was the student of the prosecutrix/complainant who is a widow lady having one child. Learned counsel submits that husband of the complainant has expired, whereafter it is the complainant herself who had allured the petitioner to get into a relationship. It is further submitted that the allegations levelled in the FIR are false and fabricated. It is incorrect that the petitioner has been stalking the prosecutrix/complainant since the year 2017. Even no allegations under Section 354 IPC have been made by the

prosecutrix/complainant in the FIR, and stalking is a bailable offence. The petitioner has been in custody since 13.07.2023. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Status report dated 13.09.2023, filed by way of affidavit of Sh. Mayank Mishra, IPS, Assistant Superintendent of Police, Panipat, on behalf of respondent-State, is taken on record. A copy thereof, has been supplied to learned counsel for the petitioner.

Per Contra, learned counsel for the State has filed custody certificate dated 18.09.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 02 months and 04 days. It is submitted that after completion of investigation, challan has been presented before the trial Court, however, charges are yet to be framed by the trial Court. Learned counsel for the State vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that there are serious and specific allegations levelled against the petitioner in the FIR, inasmuch as, the petitioner is alleged to have been stalking the complainant since the year 2017 and sending her messages on various platforms like through e-mail etc. It is further submitted that the prosecutrix/complainant in her statement dated 26.06.2023 recorded under Section 164 Cr.P.C. has fully supported the prosecution case.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that there is

no other case against the petitioner, and the fact that stalking is a bailable offence, and the fact that conclusion of trial will take sufficient time, and no useful purpose would be served by further detention of the petitioner, the present petition is **allowed**.

The petitioner-Arpit Jain S/o Pawan Jain, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

19.09.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No