

217
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44730-2023 (O&M)
Date of decision : 13.09.2023

Sunaina Bhatnagar @ Naina ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Partap Singh, Advocate and
Mr. Vikas, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.38 dated 09.06.2023 under Sections 376(2)(n), 376-D, 354-D, 120-B of the Indian Penal Code, 1860 and Sections 67, 67-A of the Information Technology Act, 2000 registered at Women Police Station, Kurukshetra, District Kurukshetra.
2. Learned counsel for the petitioner would contend that the only allegation against the petitioner in the present case is that the petitioner had sent an obscene video of the complainant to her as well as to her husband. Learned counsel would further contend that the allegations regarding making of the video viral are qua the co-accused Manish Saini and there is no role

CRM-M-44730-2023 (O&M)

-2-

attributed to the petitioner herein. It is further the contention that that the challan in the present case stands filed and that the petitioner has been in custody for a period of 02 months and 06 days.

3. Notice of motion.

4. On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG Haryana accepts notice on behalf of the State-respondent. Learned State counsel on instructions from Inspector Kuldeep Kaur has reiterated that the only allegation against the petitioner in the present case is that she has sent the obscene video to the husband of the complainant as well as to the complainant. Learned counsel for the State has also filed the custody certificate and as per the custody certificate, the petitioner has been in custody for a period of 02 months and 06 days.

5. Heard.

6. In the present case the allegations in the FIR are that the victim has been physically and mentally exploited by the co-accused Manish Saini and that the family had made the obscene video of the complainant viral. The only allegation against the present petitioner is that she has sent the said video to the husband of the complainant as well as to the complainant. As per the custody certificate, the petitioner has already been in custody for a period of 02 months and 06 days. The challan in the present case stands filed. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. 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

CRM-M-44730-2023 (O&M)

-3-

regular bail to the petitioner. The petitioner is directed to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. 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.

8. 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.

9. Disposed off. Pending applications, if any, also stand disposed off.

13.09.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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