

CRM-M-46414-2023 (O&M)

228

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46414-2023 (O&M)

Date of decision: September 20, 2023

Aryan Singh

....Petitioner

versus

State of U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. A.P. Kaushal, Advocate for petitioner.

Ms. Simsi Dhir Malhotra, APP U.T., Chandigarh.

ARUN MONGA, J. (ORAL)

After being declined bail by the trial Court, petitioner before this Court seeks his release as an undertrial in a case bearing FIR No.28 dated 01.04.2023, registered under Section 384 of the Indian Penal Code, 1860 (for short 'IPC') (Section 201 of IPC and Section 67A of the IT Act added later on), at Police Station, Cyber Crime, District Chandigarh.

2. Per the prosecution's case, the complainant reported that she had been in a relationship with her boyfriend, namely, Raj Partap Singh, for the past year. Three months ago, they had traveled to Uttar Pradesh and stayed in a hotel together. On March 30, 2023, she received some objectionable photographs of herself from an Instagram account with the username 'hearthacker90876'. The person on the other end claimed to have recorded a video of the complainant while she was engaging in a physical relationship with her boyfriend. Subsequently, this person threatened the complainant and demanded Rs. 20,000, stating that if the requested amount was not provided, he would send the video to her family members and friends. Fearing the consequences, the complainant transferred a sum of Rs. 2,000 to the bank account provided by the accused through Google Pay. The accused then continued to demand more money from the complainant while continuing to threaten and blackmail her. An FIR was registered in

CRM-M-46414-2023 (O&M)

this regard, and during the investigation, the petitioner was arrested on April 3, 2023, and has been in custody since then.

3. Leanred counsel for petitioner states that present case is a planted one on the petitioner. He has been made a scapegoat. There is no evidence against the petitioner. Complainant has not even turned up to depose before learned trial Court. He refers to zimni orders dated 23.08.2023 and 06.09.2023 in this regard contained at Annexure P-2 (colly).

3.1. He further submits that nothing is to be recovered from the petitioner. Petitioner is not required for further custodial interrogation. There is no likelihood of petitioner tampering with evidence and/ or influencing prosecution witnesses. Trial will take some time to conclude as there are 15 witnesses and none has been examined so far. Petitioner is not involved in any other case.

4. On the other hand, learned counsel for U.T., Chandigarh, opposes the bail petition. She submits that petitioner has committed a serious offence. If released on bail, there is likelihood of petitioner fleeing from trial proceedings and/or tampering with evidence and influencing witnesses. She though admits that there is no other case against the petitioner.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned counsel for U.T., Chandigarh, under instructions from police official submits that challan has already been presented. Investigation is thus complete *qua* petitioner, he is not required for custodial interrogation. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. Out of total 15 witnesses, none has been examined so far. Conclusion of trial is still likely to take long time as it is proceeding at a snail pace. Whereas, petitioner has already been languishing in jail for the past more than 05½ months, being behind bars since 03.04.2023.

CRM-M-46414-2023 (O&M)

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.
8. It is stated that petitioner is a young boy having a fixed abode and clean antecedents, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.
9. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.
10. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.
11. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.
12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 20, 2023
mahavir

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No