

**2023:PHHC:133686**

**221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-51056-2023**

**Date of Decision: 13.10.2023**

**AKARSHAN UPPAL**

**... PETITIONER**

**VS.**

**STATE OF HARYANA**

**.. RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

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

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

Dr. Vikas Rohal, Advocate,  
for the complainant.

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**VIVEK PURI, J.(ORAL)**

1. The petitioner is seeking regular bail in the case bearing FIR No.592 dated 04.10.2019 under Sections 354-A/419/420/499/500/509/120-B IPC and Section 67-A of the Information and Technology Act (for short 'IT Act') registered at Police Station City Narnaul, District Mahendergarh.

2. Custody certificate has been placed on record.

3. Learned Senior counsel for the petitioner submits that the complainant had submitted a complaint under Sections 419/420/354-A /499/500/120-B IPC and Section 67-A of the IT Act in the Court of learned Chief Judicial Magistrate, Narnaul. As per the provision of Section 156 (3) of the Cr.P.C., the FIR was ordered to be registered in terms of the order dated 19.09.2019. The allegations in the complaint do not indicate anything with regard to the commission of offence under Sections 419/420/354-A IPC and Section 67-A of the IT Act. At the most offence under Section 500 IPC is made out which is bailable and non-cognizable. The petitioner is a

social media activist and he had allegedly posted some defamatory material on the social media against the complainant, who is working as a Naib Tehsildar. The alleged occurrence took place and the FIR was registered as back as in the year 2019. At the first instance the Investigating Agency had submitted an untraced report and, thereafter, the matter was again further investigated and challan has been presented. The petitioner is in custody for a period of 04 months and 28 days and is involved in two other cases that pertain to the year 2023. Although six other cases were registered against the petitioner but in most of the cases untraced/cancellation reports have been submitted by the Investigating Agency. The offences are triable by the Court of Judicial Magistrate 1<sup>st</sup> Class. Investigation of the case is complete and challan has been presented.

4. Learned State counsel contends that the trial of the case is at the initial stage and charges are yet to be framed.

5. Learned counsel for the complainant has also opposed the bail application on the score that the petitioner had posted derogatory material on social media attributing that wife of the petitioner is a patient of Aids.

6. It may be mentioned here that the occurrence took place as back as in the year 2019. At the first instance, untraced report was submitted by the Investigating Agency. It will be a debatable and moot point as to whether the offences other than the offence under Section 499 and 500 IPC are made out in the instant case or not. The investigation of the case is complete and challan has been presented. The petitioner is in custody for a period of 04 months and 28 days. The custody certificate indicates that the petitioner is arraigned as an accused in two other cases. The offence are triable by the Court of learned Judicial Magistrate 1<sup>st</sup> Class. The conclusion

of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

7. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

13.10.2023  
smriti

(VIVEK PURI)  
JUDGE

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|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether Reportable        | : Yes/No |