

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**312****CRM-M No.54591 of 2023****Date of Decision : 08.11.2023**

Akarshan Uppal

....Petitioner

VERSUS

State of Haryana and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Deepak Sabharwal, Additional AG 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.85 dated 04.07.2023 under Sections 228-A, 384, 180 and 201 of the Indian Penal Code, 1860; Sections 13 and 23 of the Protection of Children from Sexual Offences Act, 2012; Sections 67-A and 66-E of the Information Technology Act, 2000; and Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 registered at Police Station Women, Karnal, District Karnal.

2. The FIR in the present case was lodged by the complainant who stated that he watches videos on social media and he came across a video uploaded on the Facebook page of the petitioner wherein a minor girl was exposed and her video was uploaded, which amounted to an obnoxious video, which was blatantly circulated on the social media. The complainant is a resident of Kaithal. On the basis of said complaint the present FIR was lodged in Karnal.

3. Learned senior counsel appearing on behalf of the petitioner would contend that totally a false case has been planted upon the petitioner at the instance of the Administration. It is further the contention that the petitioner is a Press Reporter and is running a Channel, namely, IBN-24 News Network. He has been raising grievances of the general public at large against Government employees who are indulging in corrupt practices and on the basis of the reporting of the petitioner many employees have been caught red-handed. The petitioner had also done live reporting at the Sub-Registrar's Office at Karnal *qua* which FIR No.775 dated 08.05.2023 was registered at Police Station Civil Lines, Karnal. Learned senior counsel would further contend that the petitioner, who is a reporter, is being hounded by the Administration because of his bold reporting and numerous false FIRs have been registered against him.

4. Learned senior counsel has further contended that on 13.07.2022 an incident had taken place in Kurukshetra where a 06 year old girl was crushed under a school bus when she was returning from school. The minor girl received grievous injuries on her legs and other parts of the body. The police failed to take any action against the school authorities and the offending bus driver, constraining the parents of the minor child to take the support of the social media. The petitioner was contacted by the parents for raising their grievance in public and on social media channels. The petitioner reached Kurukshetra and reported the matter with due permission of the parents and all other persons present there and there was nothing unethical about the said reporting. The report was made on 13.07.2022. After a year the present FIR was lodged on 04.07.2023 by a resident of Kaithal. Learned senior counsel has further contended that the parents of the

minor child have been constrained to approach this Court by filing CRM-M-40637-2023 for issuance of directions to protect the dignity and compassion of their 07 year old daughter as she had been made a victim by the Karnal Administration by registering a FIR against the Journalist who had reported the matter. Learned senior counsel has also referred to para 7 of the order passed by the Court of Additional Sessions Judge, Fast Track Special Court (POCSO), Karnal on 12.09.2023 wherein it has been noticed that the counsel for the father of the minor child had submitted that he has no grievance against the petitioner nor any objectionable video was prepared of the victim nor any money was extorted from him and that he never made any statement to the police.

5. Learned State counsel has filed the custody certificate of the petitioner as per which he has been in custody for a period of 03 months and 09 days. Learned State counsel is not in a position to dispute the fact that no offending video of the minor girl has been recovered. Learned State counsel has also not been in a position to dispute the fact that the minor girl had met with an accident and that initially the FIR was not being lodged against the school and the offending bus driver and it was only subsequently that the FIR was lodged.

6. I have heard learned counsel for the parties.

7. In the present case the petitioner, who is a Journalist, has been implicated in the present case on the ground that a resident of Kaithal had seen a video uploaded by him, which is objectionable. The video till date has not seen the light of the day. The parents of the minor child had made a categorical statement before the Trial Court that the petitioner had not extorted any money from them nor any objectionable video of the minor child was

prepared by the petitioner. The parents of the minor child have also been compelled to approach this Court by filing CRM-M-40637-2023 for issuance of directions to protect the dignity and compassion of their 07 year old daughter.

8. Keeping in view the above and the fact that there is *prima facie* no incriminating material on the record *qua* the petitioner as also the fact that the FIR itself has been lodged by a person who is a resident of Kaithal, unrelated to the minor girl, whereas the parents of the minor girl have made a statement before the Trial Court that no objectionable video was made of their child by the petitioner and that there was no demand for extorting any money from them by the petitioner, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released, if not required in any other case, on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

9. 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.

10. 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.

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

08.11.2023

jk

(ALKA SARIN)
JUDGE

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