

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.58316 of 2023
Date of decision: 05.12.2023

Himanshu

... Petitioner

Vs.

U.T Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. J.P, Jangu, Advocate,
for the petitioner.

Mr. Manish Bansal, P.P., UT, Chandigarh and
Mr. Navjit Singh, Advocate,
for the respondent.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking regular bail in case bearing FIR No.0077 dated 14.07.2023 registered under Sections 354-C, 506 of IPC (Section 354-B of IPC added later on) and Section 67-A of Information Technology (Amendment) Act, 2008 at Police Station Cyber Crime, Chandigarh.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the basis of written complaint filed by the complainant "R" (name withheld) alleging therein that about two years back, she came into

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contact of the petitioner through Instragram. They had been in touch with each other and she had met him thrice. However, gradually his behaviour had changed and he had started using abusive language with her and even started abusing her parents. Noticing his behaviour, the complainant refused to be remain in contact with him but he started pressurizing her by slitting the nerves of his arm and by extending threats that he would kill her and will defame her, if she did so. He even threatened to kill her if she performed marriage with any one else. He started harassing her further by uploading her personal photographs and videos on social network. He had made fake IDs and her photographs were uploaded through those IDs also. She prayed for taking penal action against the culprit. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 21.07.2023. After completion of necessary investigation and usual formalities, challan was presented before the concerned Court. Charges are yet to be framed in the case.

3. The present petition has been filed by the petitioner on the grounds and learned counsel for the petitioner argued that he has been falsely implicated in this case. He is in custody since 21.07.2023. The investigation has completed. Trial is likely to take time. No useful purpose is going to be served by keeping him in custody. Bail is the rule and jail is an exception. Hence, it is argued that he deserves to be given concession of bail.

4. Per contra, learned counsel for the U.T Chandigarh has argued that there are serious and specific allegations against the petitioner. He

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had shattered the faith of the complainant in him by disseminating her private pictures on social media and thereby harassing her. There were chances of his intimidating the victim if extended benefit of bail. There were serious allegations against him. Therefore, he has argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned counsel for the UT, Chandigarh and have perused the record.

6. The petitioner is alleged to have used abusive language with the complainant with whom he was in a relationship and is further alleged to have disseminated her private pictures on social media. He is in custody since 21.07.2023. Investigation has since been completed. His custodial interrogation is not required. Neither any recovery is to be effected from him. No useful purpose would be served by detaining him in custody any more. Keeping in view the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court concerned.

05.12.2023
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No