

238 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-103-2024
Date of decision: 29th February, 2024

Vijender

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Sanghi, Advocate for the petitioner.
Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
247	18.07.2023	Rohtak Sadar, District Rohtak, Haryana	354-C/354-D/383/384/506/201 of Indian Penal Code, 1860 (for short ‘IPC’) and Section 67-A of Information Technology Act, 2008 (for short ‘IT Act’)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint moved by the complainant ‘A’ (name withheld) alleging therein that she herself and her friend ‘D’ (name withheld) were having Instagram ID’s on their respective mobile phone numbers and used the same. From the last 4-5 days, they were receiving threats from three Instagram IDs (hry.ana6453), (cuta_sa_Jatni12) and (Cutejaatni4315) whereby threats were given to them to viral their edited photographs, if they did not send cash

amount of ₹ 3,000/- to the senders of those messages from the above mentioned IDs. On the basis of complaint filed by the complainant, initially, a case under Sections 354-C, 354-D, 383 and 506 of IPC read with Section 67-A of IT Act had been registered. Investigation proceedings were initiated. The statement of the victim under Section 164 of Cr.P.C. was recorded. On the basis of which, offence under Section 384 was added and Section 383 of IPC was deleted. The screenshots of the messages received on the Instagram IDs of the complainant and her friend were also collected alongwith certificates under Section 65-B of Indian Evidence Act. During investigation, it was found that the abovementioned IDs were sent from the IP address which was the phone of the present petitioner. He was apprehended and arrested on 29.10.2023. He was interrogated and suffered disclosure statement, admitting his involvement in the subject crime. A mobile phone was got recovered from him along with one SIM, which was used in the commission of crime and one of the SIM had been destroyed by him. Therefore, offence under Section 201 of IPC was added. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently the petitioner is facing trial for the commission of the abovementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he is in custody since 29.10.2023. The matter has been compromised between the parties. A written compromise has already been executed. A petition for quashing of FIR has been filed and even statements of the complainant and her friend

have also been recorded. His further detention would not serve any useful purpose. Therefore, it is argued that he deserves to be given concession of bail.

4. The respondent-State has filed reply, as per which, the petitioner had been trying to extort money from the victims and was also sexually harassing them and was trying to disseminate their images and this fact stood proved during the course of investigation, which was conducted by way of forensic examination of his mobile phone. The allegations against him are serious in nature. The trial has commenced and investigation has been completed. There are serious allegations against the petitioner. The victims are yet to be examined. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have captured the images of the complainant and her friend and is further alleged to have extended threats to disseminate their images by morphing them and is also alleged to have made attempts to contact the victims to foster personal interaction with them despite their disinterest in him. He is also alleged to have made attempt to extort money from them by extending threats to them. As per the further allegations, he had destroyed evidence, as to commission of subject offences by destroying the second SIM card of his phone from where he was sending objectionable messages to the victims. He is in custody since 29.10.2023. He

has placed on record copy of an affidavit shown to be sworn by the victim as well as Annexures P-3 and P-4, copies of some compromise stated to have been arrived at between the parties. Though the affidavit shown to be sworn by the victim and any settlement shown to have been arrived between the parties cannot form the basis of extending benefit of bail to the petitioner. However, this fact also come on record that the petitioner had moved a petition for quashing of FIR which is bearing ‘CRM-M-65099-2023’ titled as ‘Vijender Vs. State of Haryana and others’ and in the said petition which is pending in this very Court, the victims have admitted the factum of a compromise being effected between the parties. Keeping in view the period of incarceration of the petitioner and the nature of subject offences, I am inclined to hold that the petitioner deserves to be given benefit of bail. Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

29th February, 2024

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No