

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

232

CRA-S-456-2024

Date of decision:14.03.2024

Arun

....Appellant

V/s

State of Haryana and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ankur Malik, Advocate for the appellant.  
Ms. Priyanka Sadar, AAG Haryana.  
None for respondent No.2.

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**SUMEET GOEL, J. (Oral)**

Vide order dated 06.03.2024, notice was issued to respondent No.2. Learned counsel for the appellant has referred to dasti summons service report dated 13.03.2024 to submit that respondent No.2 has been served. A copy of the served dasti summons report is taken on record as Annexure-A. Learned State counsel, on instructions, submits that the concerned SHO has also informed respondent No.2 about the date of hearing fixed in this case for today.

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.10 dated 12.01.2023, registered for the offences punishable under Sections 67-A of Information Technology (Amendment) Act, 2008, 354-C, 376(2)(n), 506 of IPC, Section 6 of POCSO Act and Sections 3(1)(r), 3(1)(s), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The case set up in the FIR in question is as follows:-

*“To, Station Incharge City Police Station (find) Narwana It is requested that I, applicant Manisha D/o Rakesh aged about 19 years, Caste Chamar am a permanent Resident of village Nepawala, Tehsil Narwana, District Jind. I had taken admission in BA Ist Year, in Fatehchand Mahila Mahavidyalaya Hisar in August 2021. On 20/08/2021, I went to Hisar alone to deposit the college fees. During that time, I met a boy at the counter who told his name as Arun S/o Sastyawan Jat Jat, R/o Chetan, Tehsil Hansi, Distt. Hisar. Which he told that he has come to get his maternal uncle's daughter admitted in the B.A 2nd year. He is depositing fee. He took a mobile number from me and after that our conversation started. After 15-20 days he called me to Hisar and I met him in the Café near Bus Stand and after having tea, he came to Jind by car to drop me at the house. When I asked him why he was going through Jind, he said that there one of his known and he wanted to meet him. He took me in the car and brought me to Jind and after stopping the car at a deserted place on the new bye pass of Jind. He against my wish, did wrong act and threatened to kill if I told this to anyone. Then he dropped me outside Nepewala village and went away. After that, my college opened, on dated 11.9.2021, I went to live in a hostel. Even during that time he kept pressuring me to meet him. And even in Hisar, he did wrong things many times while sitting in the car. After that, whenever I was alone in the hostel room, he used to pressurize me to take pictures and video calls by being naked. He has recorded many of my nude videos. After that, on 14.02.2022, he took me to a hotel near the bus stand, Hisar, which I can recognize by seeing. There also he raped me against my will. He took my obscene video by cheating. Even after that, he kept forcing me to make nude video calls. After that, on 29/4/22, took me to a hotel in Market Red Square, Hisar, which I could identify after seeing. There he did wrong act with me. In May 2022, he did wrong act with me in a cafe near the bus stand, Hisar. After that, on 10/9/2022, he took me to hotel in Red square Hisar and forcefully did wrong act with me. When I checked his phone, it had obscene videos and photos of many girls. After that I stopped meeting him. Then he blackmailed me and threatened me to start talking with him otherwise he will make my obscene video viral. 19 Oct 2022, which is also my birthday, when I was at my house, my friends told me that Arun has viraled my obscene video and photo in the college group and have also sent the same to my friends. I left my studies due to shame. I stopped going to college. He has kept a fake ID in my name. And even in that he puts my video and photo on social media and despite my request he did not stop.*

*And for the last few days, he has been posting my obscene video a photo on social media, despite my trying to convince him, he did not understand. And for the last few days, he has been posting my obscene photos and videos to my family members, including my father's mobile no. 8818004780, my uncle Mob. No. 8307596884 and my grandfather mobile number 8221016184 and abuses by caste. He also sends obscene photos and obscene videos from different Nob by writing very abusive language through text messages. Yesterday on 11/1/2023, he called on my brother's phone No. 93505-76527 at 6:55 minutes. I picked up and he said I am Arun speaking, Saali Dhadeny, till now it is nothing in future he will viral my video on Social media. Today also on dated 12/1/23 at around 4.40, I have received threatening and abusive messages on my brother's mobile no. 7988474070. Screen shot is enclosed, hence you are requested to take legal action against the accused Arun S/O Satyawar caste Jat village Chanet. And my life and liberty be protected from the accused. The accused also threatens to kill my family as well as my uncle and grandfather. Applicant SD/ Manisha Manisha D/O Rakesh Village Nepwala Tehsil Narwana Jail (Jind) 8307596884, 12.01.2023”*

3. Learned counsel for the appellant has argued that the appellant is in custody since 15.01.2023 and material witnesses in the trial already stand examined. Learned counsel has referred, *in extenso*, to the testimony made by the victim (when examined as PW-1) as also instagram chats (copy whereof has been appended as Annexure A-16) to argue that there was consensual relationship between the appellant and the victim which turned sour due to supervening circumstances. He has further argued that the appellant has been falsely implicated in the FIR in question on account of above-said relationship turning sour. Learned counsel has further argued that the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not made out against the appellant in the facts and circumstances of the case. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.03.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The appellant was arrested on 15.01.2023 whereinafter investigation was carried out and challan was presented on 03.04.2023. Total 21 prosecution witnesses have been cited out of which 15 witnesses already stand examined. All the private/prime prosecution witnesses stand examined. The rival contention of learned counsel for the parties; as to whether there was a consensual relationship between the appellant and the victim as also whether offences pertaining to Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are made out against the appellant or not; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing perceptible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the remaining prosecution evidence. As per custody certificate dated 13.03.2024 filed by learned State counsel, the appellant has already suffered incarceration for a period of about 01 year and 02 months & is not shown to be involved in any other case. Suffice to say, further detention of the appellant as an undertrial is not warranted.

7. In view of above, the present appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqqa Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

CRA-S-456-2024

6

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)  
JUDGE

March 14, 2024  
*Ajay*

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