

2024.PHHC.070181



232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17329-2024
DECIDED ON:16.04.2024

CHIRAG MONGA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sumit Puri, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

Ms. Divya Godara, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 of Cr.P.C. has been invoked seeking regular bail to the petitioner in FIR No.49 dated 24.09.2023 registered under Sections 66-C, 66-D, 67-A of the Information Technology (Amendment) act, 2008 (hereinafter to be referred as "the IT Act") at Police Station Women Sirsa, District Sirsa, Haryana.

2. The facts emanates from the FIR are that a complaint in the form of statement had been received by the complainant namely Samridhi Grover, in the Police Station Women Police Station Sirsa, District Sirsa that a boy namely Chirag Monga usually uploads her objectionable photographs on social media. On 16.08.2023 at about 1.45 PM, when the mobile phone No. 80593-26130 of her brother Ishan was with her father, then her father

found that Chirag Monga had made viral her obscene photograph along with her name by making a fake account (Fake Id Account) Smaridhigrover2 on Instagram. She is studying at Jaipur and her father had told about the incident to her on 23.09.2023 and she came to Sirsa on 24.09.2023 and on the basis of the said statement, the present FIR was registered.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is asserted that the present FIR is nothing but a counter-blast to the FIR No. 589, dated 21.07.2023 registered against the complainant at the instance of petitioner's father and also the complaint/application dated 16/17.08.2023, which was filed by the petitioner against the complainant and her brother. It is further submitted that the petitioner is 21 years of age and is suffering from serious psychiatric illness including bipolar disorder and manic disorder and is undergoing treatment for the same. In the present case, report under Section 173 Cr.P.C. has already stands presented and nothing is to be recovered from the petitioner, thus, he deserves the concession of grant of regular bail.

4. On the other hand, learned State Counsel as well as counsel for the complainant have opposed the prayer made in the present petition stating that the petitioner is involved in two other cases also i.e FIR No.913 dated 06.12.2023 registered under Sections 294, 506 IPC at Police Station Civil Line Sirsa, Sirsa and FIR No.30 dated 31.12.2021 registered under Sections 354, 354-A, 354-C, 354-D, 420, 467, 468, 471, 506, 201 IPC and Section 12 of the POCSO Act, 2012 and Section 67-A of the IT Act at Police Station Women Sirsa, Sirsa, as is evident from the custody certificate, meaning thereby, he is not a person of clean antecedents. Moreover, the petitioner has

committed the offence in order to degrade the image of the petitioner in the society. The offence committed by the petitioner is very serious in nature and thus, does not deserve the concession of regular bail.

5. Heard learned counsel for the respective parties.

6. In the present case, FIR has been registered on the basis of statement made by complainant namely Samridhi Grover that a boy namely Chirag Monga (present petitioner) has uploaded her objectionable photographs on social media and on 16.08.2023 at about 1.45 PM, when the mobile phone No. 80593-26130 of her brother Ishan was with her father, then her father found that the present petitioner had made viral her obscene photograph along with her name by making a fake account (Fake Id Account) Smaridhigrover2 on Instagram and that the complainant was studying at Jaipur and her father had told about the incident to her on 23.09.2023 and she came to Sirsa on 24.09.2023. The petitioner has committed the offence under the IT Act in order to degrade the social image of the petitioner. The offence committed by the petitioner is very serious in nature and there is all likelihood that in case he is granted the concession of regular bail then he can commit similar type of crime again against the victim and also can misuse the concession.

7. Moreover, the antecedents of the petitioner are also not good, as he is already involved in two more cases, out of which one case is of similar nature. The Apex Court in case **“Gudikanti Narasimhulu vs. Public Prosecutor, High Court of A.P.”; (1978) 1 SCC 240**, has already observed that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has further been observed that it is

rational to enquire into the antecedents of the man who is applying for bail to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.

8. The mere fact that the investigation is complete and nothing is to be recovered would not vest a right in him for the grant of regular bail.

9. In view of the discussions made hereinabove, this Court is of the view that petitioner does not deserve the concession of regular bail and thus, the present petition is dismissed being devoid of any merits.

16.04.2024
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>