

CRA-S-1182-2023 (O&M)

**103+213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024:PHHC:146944



**CRA-S-1182-2023 (O&M)
DATE OF DECISION : 11.11.2024**

RAHUL @ RAVI

... PETITIONER

V/S

STATE OF HARYANA & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. This is an appeal against order dated 06.02.2023 passed by the learned Addl. Sessions Judge, Hisar whereby an application filed by the appellant seeking regular bail in FIR No. 595 dated 05.10.2022 under Sections 376(2)(n), 506 IPC, Section 3 of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of Information and Technology Act registered at Police Station Civil Lines, Hisar has been dismissed.

2. Compliance report by way of affidavit of ASI Jai Parkash, P.S. Civil Lines, Hisar on behalf of the State has been taken on record, whereby this fact has been mentioned that Investigating Officer has tried to contact respondent No.2-complainant on her mobile phone, however, the same was found to be switched off.

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3. State has also filed the custody certificate reflecting the custody of the petitioner as 01 year, 11 months and 09 days.

4. I have heard the counsel for the parties and perused the paper-book.

5. The FIR was registered at the instance of the prosecutrix. The allegations of sexual abuse by co-accused Kapil and creating a fake account by appellant -Rahul @ Ravi on Instagram was corroborated by the prosecutrix in her statement recorded under Section 164 Cr.P.C. (Annexure R-1). The prosecutrix has further alleged that Rahul @ Ravi-appellant had created a fake account on Instagram and uploaded the material, apart from writing “Rs.25,000/- per night if anybody wants her”. It is further in allegation that the video of the prosecutrix made by co-accused Kapil was circulated. The prosecutrix in her statement recorded in the Court on 04.04.2024 has stated that during her relationship, co-accused-Kapil had made a videograph in jolly mood. However, Rahul @ Ravi-appellant is alleged to have made a fake account on Instagram and displayed her photograph on the Instagram mentioning “ Rs.25,000/- per night”. The prosecutrix has stated in her cross-examination conducted by the Trial Court on 22.04.2024 that she had received an objectionable video on her mobile phone on 12.05.2022 from her colleague Vivek. In para nos. 6 and 7 of the status report filed on behalf of the State, it is mentioned that during the investigation, the Investigating Officer has recovered one mobile phone make Vivo from which a video of the complainant prepared by co-accused Kapil and forwarded to appellant-Rahul @ Ravi was seen. Another mobile phone Nokia was also recovered wherein a nude video of the complainant was forwarded by co-accused of the appellant to Rahul @ Ravi-appellant.

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6. As per the status-report dated 25.01.2024, the State has informed that Rahul @ Ravi-appellant is alleged to have forwarded a nude video of the prosecutrix which was prepared by co-accused Kapil and it was forwarded to Vivek, who is a friend of the prosecutrix. Apart from the present case, there are 2 other FIRs having been registered against the appellant i.e. FIR No. 128 dated 06.05.2021 under Sections 147, 149, 323, 342, 384, 506 IPC, registered at Police Station Urban Estate, Hisar and FIR No. 691 dated 25.09.2021 under Sections 389, 342, 506, 34 IPC registered at Police Station City Hansi.

7. Though the petitioner is in custody for a long period and statement of the prosecutrix has already been recorded, allegations against the petitioner are grave that not merely video of the prosecutrix regarding sexual acts *inter se* the prosecutrix and co-accused Kapil was prepared, but, it was also circulated. In addition the allegations are that Instagram account was also opened with the fake ID whereby photograph of the prosecutrix was also uploaded. The allegations are serious in nature, as such, the petitioner is not entitled for bail in such cases. The trial Court order is well justified. Consequently, the appeal stands dismissed.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

11.11.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No