

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.30575 of 2023
Date of Decision: 28.02.2024

Ranjeet Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Himanshu Seth, Advocate,
for the complainant.

MANISHA BATRA, J.(Oral)

1. 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
02	16.02.2023	Cyber Crime Police Station, Fatehabad, District Fatehabad	376 (2) (n), 356-D and 506 of IPC and Sections 66-C, 66-E and 67-A of Information Technology (Amendment) Act, 2008

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint filed by the complainant/prosecutrix (name withheld) alleging therein that the petitioner who belonged to her village and studied with her in the same school, had been harassing her since the year 2018. He had insisted her to become a friend with her. Gradually they had become friends and had started talking with each other. Sometime

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thereafter, the petitioner had gone to Germany. In the year 2021, the petitioner extended threats to the prosecutrix to send her photographs and obscene videos and otherwise he would disclose about their friendship to her family members. Under the threats so given and out of fear, the prosecutrix had sent her nude photographs and videos to the petitioner through her Facebook ID on the Facebook ID of the petitioner. In the year 2022, the petitioner had returned back to India. By extending threat to make the videos and photographs of the victim viral, he called her at a hotel at Fatehabad on 21.02.2022 and 25.02.2022 and committed rape upon her. He went back to Germany in March 2022. The prosecutrix had blocked his number but he returned back and then again tried to start conversation with the prosecutrix and when she did not do so, he sent her videos on the phone of her brother by making a fake ID with the name of Amrit Singh and thereafter he extended threats to her on 14.02.2023.

3. After registration of FIR, investigation proceedings were initiated. The victim refused to get her medical examination conducted. Her statement under Section 164 of Cr.P.C. was recorded. The petitioner was arrested on 17.02.2023. He was also medically examined. On interrogation, he suffered disclosure statement admitting his involvement in the subject crime. His phone was also taken into custody. Phone sets of the prosecutrix and her brother were also taken into possession and were sent for Forensic examination and as per the FSL report, the petitioner had used his phone by making a fake ID to send nude photograph/video of the victim to her brother and the victim had sent her videos to the petitioner on his ID in the year 2021. After completion of necessary investigation and usual formalities,

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challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 17.02.2023. The trial is likely to take time. His further detention would not serve any useful purpose. It is also argued that there is delay in lodging of the FIR. Therefore, it is argued that the petition deserves to be allowed.

5. The petition has been resisted by the State in terms of the status report. Learned State counsel as well as learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner as firstly by insisting the prosecutrix to send her nude photographs/videos to him, he subsequently started blackmailing her and sexually harassing her and had repeatedly committed rape upon her by extending threats to her. He had also prepared fake ID to harass the victim and to make her nude video viral by sending the same on the phone of her brother. The prosecutrix is yet to be examined. There are chances of petitioner's intimidating the material witnesses including the prosecutrix, if extended benefit of bail. There would, however, be no delay in conclusion of the trial. Therefore, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties and have minutely gone through the record.

7. The petitioner is alleged to have sexually harassed the victim, committed rape upon her twice, criminally intimidated her and is further

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alleged to have made and used fake ID for the purpose of making the nude video of the victim viral. The allegations against him are grave in nature. The prosecutrix has not been examined so far. Gravity of offences is an important consideration for the purpose of allowing/denying the benefit of bail to an accused. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the entire facts and circumstances, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

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

28.02.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No