IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217 **CRA-S-2286 of 2024**
DATE OF DECISION :- 02.07.2024

Manjeet Singh @ Sonu **...Appellant**

Versus

The State of Haryana and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Dhruv Gupta, Advocate for the appellant.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Prince Pushpinder Rana, Advocate for the complainant-respondent No. 2.

***

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed U/s 14-A(2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 06.06.2024 passed by learned Additional Sessions Judge, Ambala for grant of regular bail in FIR No. 408 dated 26.08.2023, registered for the offences punishable under Sections 354-D/376(2)(n)/506 IPC and Section 3 (1)(w) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Sections 201 IPC, 3(2)(v)/3(2)(v)(a) SC/ST Act & 67-A of Information and Technology (Amendment) Act, 2008 added later on) at Police Station Parao Ambala Cantt., District Ambala.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

> "Sir, Copy of complaint is as stated-To, The SHO Police Station Parao Ambala Cantt. Sir, it is requested that I Paramjeet Kaur wife

PARVINDER SINGH
2024.07.02 17:48
I attest to the accuracy and
integrity of this document
chandigarh

of Parvinder Singh is a resident of Village Mohra and my mobile number is 9896564909. Around five years back Manjit Singh son of Harvinder Singh resident of Village Shahpur mobile no. 7015142711 came into my contact. We became friends, who developed physical relations with me without my consent and kept me in the hotels in Ambala, with whom I developed physical relations lastly in October 2022. That Manjit Singh has also taken mine as well as his personal photos in his phone but one year back, he stated blackmailing me by issuing threat. I developed distance from him and stopped talking with Manjit Singh and also stopped meeting him. Around fifteen days back, Manjit Singh by messaging me from his Whatsapp no. 7015142711 demanded Rs.50,000/- and an apple phone and said that if you will not give money and phone then I will viral the obscene photos that I have with me and side by side deleted the messages. Manjit Singh on the night of 23.08.2023 made a Facebook ID from his phone in the name of (Paramjeet Kaur Pammi) by putting my photo as DP and added my mobile no. 9855831233, mobile no. 9877507819 of my husband Parvinder Singh, mobile no. 9812268407 of my son Sahib Singh and mobile no. 9817059980 of my sister Inderjit Kaur on this ID and wrote that that call on these numbers and we started receiving calls from different numbers. Call was received on the mobile number of my son that you have put your number on Facebook and we want to talk with you and said that come for the purpose for which you have put the number and he sent the screen shot of Facebook ID on the mobile number of my son. Manjit Singh continued to send obscene photos on my mobile no. 9855831233 and continued to send obscene messages. That my son broke the sim of his phone after getting fed up. My number is registered in the name of my mother Harbans Kaur but Lovepreet is using this whatsapp number. Manjit Singh continuously sent obscene photos on this number and also issues threat of life to us. You are requested that strict action be initiated against Manjit Singh. Photocopy of the obscene Whatsapp messages and Facebook messages sent by Manjit Singh is annexed herewith. I belong to the Ramdasiya Sikh/SC caste. SD/- Paramjeet Kaur 9896564909 Dated 26.08.2023, Manjit Singh mobile number...”

3. Counsel for the appellant submits that the appellant is in custody since 27.08.2023. Learned counsel for the appellant has further

PARVINDER SINGH
2024.07.02 17:48
I attest to the accuracy and
integrity of this document
chandigarh

argued that the appellant has been falsely implicated into the FIR in question. Learned counsel for the appellant has further argued that the prime prosecution witnesses namely the daughter of the complainant and the complainant/victim(when examined as PW1 and PW2 respectively) have turned hostile and thus the trial will not turn into conviction. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of regular bail.

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

6. The appellant was arrested on 27.08.2023. After completion of investigation, the challan was presented on 20.11.2023 wherein total 24 prosecution witnesses have been cited. The culmination of trial, but of course, will take its own time. The rival contentions of learned counsel for the parties, as to whether the appellant has been falsely implicated into the FIR in question and the effect of the prime prosecution witnesses not supporting the case of the prosecution; shall be seen during the course of trial. This Court does not deem it appropriate to delve into these rival contentions at this stage lest it may prejudice trial. No tangible material has been brought on record to show that there is likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 01.07.2024 filed by the State counsel, the appellant has suffered incarceration for more than 10 months & is not not shown to be involved in any other case. In the considered opinion

PARVINDER SINGH
2024.07.02 17:48
I attest to the accuracy and
integrity of this document
chandigarh

of this Court, further detention of the appellant as an under trial is not warranted.

7. In view of the factual matrix of the present case, the instant 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/Illaqa 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.

PARVINDER SINGH
2024.07.02 17:48
I attest to the accuracy and
integrity of this document
chandigarh

09. Ordered accordingly.

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

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

(SUMEET GOEL)
JUDGE

02.07.2024
P.Singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

PARVINDER SINGH
2024.07.02 17:48
I attest to the accuracy and
integrity of this document
chandigarh