



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

215

CRM-M-34667 of 2024

DATE OF DECISION :- 04.09.2024

Kapil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. P.S. Chauhan, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.62 dated 20.03.2024, registered for the offences punishable under Sections 354-D and 506 of IPC and Section 67 of Information and Technology Act, 2000 at Women Police Station Rewari, District Rewari, Haryana.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"To, the SHO Sir, Women Police Station Rewari. Sir, I Reena wife of Shyam village Chilad Poilice Station Sadar, District Rewari presently residing at rampura Rewari. That in the month of February I started receiving call and whatsApp message from mobile no.63976-47764, 75054-2645 on mobile no.97286-56168 and is also sending obscene photographs. But I could not take screenshot of the same but, as of now also he is continuously messaging me on my mobile phone and he is saying that I will viral photo and videos if you will not agree to what I say and I will defame you. That by taking the name of my niece he is saying that I have obscene photographs with me and I will defame



you niece by making them viral and it will be difficult for you to step out of your house and for not disclosing the same he is demanding money from him. Therefore, appropriate and strict legal action shall be taken against him, his name is Kapil son of Om Pal resident of Rampur Tehsil Sadar Mujaffarnagar, Uttar Pradesh. Legal action shall be taken. Attached screenshot total page 3 Sd/- Reena Rani Reena Rani wife of Shyam resident of village Rampura dated 20.03.2024 98120-46004.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.04.2024. Learned counsel has further submitted that that petitioner has been falsely implicated into the FIR in question as he married Arpita which was not to the liking of the family of the said person namely Arpita and thereafter some differences arose between the petitioner and Arpita on account of which the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that the prime prosecution witnesses namely the complainant and the victim already stand recorded and thus and there are no chances that the petitioner may tamper with the prosecution evidence. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Status report by way of affidavit of Sh. Vinod Shankar, HPS, Deputy Superintendent of Police, Women, Rewari filed in the Court today. The same be taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 03.09.2024 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 petitioner was arrested on 11.04.2024 whereinafter investigation was carried out and challan stands presented on 08.05.2024. Total 12 prosecution witnesses have been cited out of which the prime prosecution witnesses namely the complainant and the victim already stand recorded and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question on account of his earlier having married Arpita to the dislike of family of Arpita & also the said marriage between the petitioner and Arpita now turning sour; 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 tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 03.09.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 months and 22 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on interim 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 petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.



- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone 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/Illaq Magistrate.
- (vii) The petitioner 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 petitioner.

9. 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

04.09.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No