

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

CRM-M-36461-2023 (O&M)

Date of decision : 31.01.2024

Rajesh @ Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG., Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No. 214 dated 18.04.2023, under Sections 66C, 66D, 67, 67A of Information Technology Act, 2000 (amended in 2008) and under Sections 379, 384, 120B, 201 of IPC (Sections 201 and 120-B IPC added later on), registered at Police Station Adampur, District Hisar, Haryana.

2. Above FIR was registered on the basis of statement made by complainant-Pardeep Kumar with the allegations that petitioner in connivance with co-accused Harsh and Sandeep @ Deepu, have stolen mobile phone of complainant's father and operated the social media account of complainant from his e-mail ID; uploaded obscene photographs as well as videos of complainant's sister-in-law and further sent the same to his relatives.

3. This Court granted interim bail to the petitioner on 17.08.2023, in the following manner:-

“ Contends that challan has already been presented against the petitioner; however, charges are yet not framed. Further contends that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to verify the aforesaid factual position.

Posted on 11.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Learned counsel for the petitioner contends that petitioner is regularly appearing before the Court below and there is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner.

5. Learned State Counsel, on instructions, has not opposed the above factual position and rather submits that petitioner is fully cooperating before the Court below.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court on 17.08.2023. He is regularly appearing before the Court below; there is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner in case, his interim bail is made absolute; thus, sending him to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 17.08.2023, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession by the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

31.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No