

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

CRM-M-45987-2023 (O&M)

Date of decision : 31.01.2024

Harsh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajay Nain, 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 (Section 379 IPC deleted and 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 Rajesh 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 20.09.2023, in the following manner:-

“ Contends that co-accused with similar allegations has already been granted the concession of interim bail by this in CRM-M-36461-2023.

Notice of motion.

On asking of the Court, Mr. Kiran Pal Singh, AAG., Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

To be heard along with CRM-M-36461-2023 on 12.10.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate 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 20.09.2023. 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 20.09.2023, 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