

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.48689-2023 (O&M)
Date of Decision: 31.01.2024

Sandeep @ Deepu

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Subhash Godara, 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 Harsh and Rajesh, 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) Contends that petitioner is in custody since 25.06.2023 and co-accused have been granted concession of bail pending trial by this Court vide order of even date. Also contends that there is no allegation or apprehension that if petitioner is granted bail pending trial, he shall misuse the concession. Again contended that alleged recovery is non-commercial in nature and charges have already been framed, but out of total 16 PWs, none has been examined till date.

- (4) After obtaining instructions from police official present, the above factual position is not disputed by learned State counsel.
- (5) Heard both sides and perused the paper-book.
- (6) Petitioner is in custody since 25.06.2023; charges have been framed; trial is likely to take sufficient long time and moreover, the co-accused have been granted concession of bail pending trial by this Court vide the order of even date. In such a scenario, no useful purpose would be served by keeping the petitioner in custody.
- (7) Therefore, present petition is allowed; petitioner is ordered to be released on bail pending trial in the present case on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.
- (8) However, it is clarified that petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (9) The above observations may not be construed as an expression of opinion on the merits of the case.
- (10) It is also clarified that in case there is any misuse of concession on the part of petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
- (11) 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