

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

311

CRM-M-49457-2023 (O&M)
Date of decision : 15.01.2024

Parveen ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. S. K. Hooda, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Vikas Sharma, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 of Code of Criminal Procedure seeking regular bail in FIR No. 37 dated 13.04.2023, registered under Sections 354D, 354B, 323, 452, 376, 511, 386, 354A(1)(i), 506, 341, 385, 354C, 509 of the IPC and Sections 66, 67A of the Information Technology Act at Women Police Station, Jind.
2. Brief facts of the case relevant for the disposal of the present petition are that the abovementioned FIR was registered on the basis of a written complaint submitted by complainant/prosecutrix 'M' (*name masked*) alleging therein that the present petitioner was her cousin brother, being son of the sister of her mother. She had previously been studying B.P.S.M. University, Khanpur and used to have conversation with the petitioner. He also used to visit her for the purpose of sending some articles by her mother.

While going to attend some examination in the year 2015-16, the petitioner had accompanied her. She had handed over her phone and other articles to him while entering into in the examination hall. She alleged that taking advantage of that, the petitioner had got data from her mobile extracted at that time, which included her personal photographs. Thereafter, he had started sexually harassing her and blackmailing her on the pretext of making those photographs/data viral. He had also been stalking her by making contacts with her through her phone repeatedly and compelled her to have sexual relations with him. Thereafter, he attempted to commit rape upon her once when she was alone in her home at Jind and on her resistance, she was physically assaulted and even her clothing was torn off by him. She was forced to give an amount of Rs. 25,000/- to him. She alleged that in this manner, the petitioner not only kept on extorting money from her but also kept on compelling her to send her nude videos and an attempt was again made by him to commit rape upon her. She alleged that somehow this fact had come to the knowledge of co-accused Dinesh Hooda, who is her brother-in-law, serving in Delhi Police and who too started sexually harassing her and blackmailing her by extending threats to make her photographs and videos viral. She further alleged that even after her marriage, the petitioner and co-accused kept on harassing her and on 11.02.2023, she received a message on her mobile phone that her pictures and videos would be disseminated and sent to her in-laws family. The sister of the victim i.e. wife of said Dinesh Hooda came to know of this fact on 11.03.2023 on seeing some videos and photographs on the mobile phone of her husband. The complainant prayed for taking action against the culprits. On her complaint, investigation proceedings were initiated. The petitioner

was arrested on 11.09.2023. After completion of investigation and usual formalities, challan has been presented in Court and presently, the petitioner is facing trial for commission of aforementioned offences. The petitioner had filed an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 20.09.2023.

3. The present petition has been filed by the petitioner and it has been argued by his counsel that he has been falsely implicated in this case. FIR against him has been registered with ulterior motives, that too with general allegations as no specific date or time had been given by the complainant when the alleged offences were committed by him. More so, the complainant had remained quiet for a period of 08 years, for which, no explanation has been given by her. In fact, the petitioner had deposited an amount of Rs. 60,000- in bank account of the complainant. The mother of the petitioner had given Rs. 7,50,000/- to the mother of the complainant through RTGS, which had not been returned by her and when they asked for return of the said amount, this case had been registered on false allegations. The family of the petitioner was a mediator in the marriage of the sister of the complainant with said Dinesh Hooda. Since a matrimonial dispute had arisen between them, the family of the complainant was demanding Rs. 20 Lacs from Dinesh Hooda as well as from the family of the petitioner. The petitioner had never sent any objectionable videos of the complainant to anyone. The petitioner is in custody since 11.09.2023. The conclusion of trial is likely to take some time. No useful purpose would be served by keeping him in custody anymore. Hence, it is urged that the petition deserves to be allowed.

4. Learned State counsel, in terms of status report dated

07.11.2023, assisted by learned counsel for the complainant, has vehemently resisted the petition on the ground that there are serious allegations against the petitioner. The petitioner had been continuously harassing the petitioner and had extracted money from her. He had extended beatings to her and had also attempted to commit rape upon her. He had outraged her modesty. Co-accused Dinesh Hooda is yet to be arrested. Though *challan* has been presented but charges are yet to be framed. If the petitioner is extended benefit of bail, he can influence the witnesses and tamper with the evidence. There is nothing on record to show that there would be any undue delay in conclusion of trial. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record.

6. The petitioner, who is real cousin of the victim, is alleged to have sexually harassed her; blackmailed her; taken away her private data from her mobile phone and on the basis of the same, he is alleged to have extorted money from her since 2014-15. He is also alleged to have made attempts to commit rape upon her. Even after her marriage, the petitioner is alleged to have extended threats to her to make her videos/pictures viral and send them to her in-laws. The allegations levelled against the petitioner are quite serious in nature. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. The prosecutrix is yet to be examined. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession

of regular bail at this stage. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

15.01.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>