

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****CRM-M-52546-2023****Date of Decision: 23.1.2024**

Mursalim @ Tadiya @ Sameer

**....Petitioner****VERSUS**

State of Haryana

**....Respondent****CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Mohd. Arshad, Advocate, for the petitioner.  
Mr. Neeraj Sheoran, DAG, Haryana

\*\*\*\*\*

**KARAMJIT SINGH, J.**

Prayer in the present 3<sup>rd</sup> petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.51 dated 1.10.2022 registered for the offences punishable under Sections 66-C, 66-D, 67 I.T. Act and Section 420 IPC (Sections 384, 419, 468, 204, 120-B IPC added later on) at Police Station Cyber Crime, Rohtak, District Rohtak.

2. The allegations in nutshell are that the petitioner entrapped the complainant by sending him one obscene whatsapp message and thereafter, one girl made him whatsapp audio call and she asked the complainant to send his obscene video clip and after that, the complainant received different messages to deposit money and in case of non-compliance, threatened to upload his obscene video on social media and in this manner, an amount of ₹ 16,29,000/- was paid by the complainant to the accused persons.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is having no criminal history and is presently lodged in judicial custody since 13.12.2022 and that

recoveries are already effected in this case and all the offences are triable by the Court of Judicial Magistrate, 1<sup>st</sup> Class and that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that the petitioner and other accused defrauded the complainant of more than ₹ 16 lakh. However, the State counsel has not disputed the fact that the petitioner is in custody for the last about 1 year and 1 month and is not involved in any other criminal case and that the trial is at its initial stage.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1<sup>st</sup> Class and the recoveries are already effected and the petitioner is in custody since 13.12.2022 and it will take considerable time for the trial to conclude and the petitioner is having no criminal antecedents.

7. In view of above, no purpose is going to be served by detaining the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

( KARAMJIT SINGH )  
JUDGE

January 23, 2024  
Paritosh Kumar

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |