

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M No.57514 of 2023
Date of decision: 11.01.2024

Jhalak Jham (Minor)

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ankur Lal, Advocate,
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG, Haryana.

MANISHA BATRA, J.

1. The petitioner herein is seeking concession of pre arrest bail in case arising out of FIR No.126 dated 17.07.2023 registered under Sections 354-D, 34 of IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 66B and 67B of the Information Technology Act, 2000 at Police Station Women Police Station, Rewari, District Rewari on the basis of the written complaint filed by the complainant "N" (name withheld) alleging therein that the accused Kapil Jham had taken photographs of his minor daughter i.e. the victim from Whatsapp by hacking her Instagram ID or misusing the same and he in connivance with the petitioner who is his younger brother had made the same viral. He also alleged that the accused Kapil Jham had also clicked objectionable photographs of his daughter and had committed obscene acts with her. On coming to know about this fact, the complainant had

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filed a complaint earlier also against him but on assurance of family members of the petitioner and co-accused to not to repeat such acts again, no action was taken. While alleging that on 15.07.2023, obscene photographs of his daughter were posted again on Instagram and made viral by the petitioner and co-accused, he prayed for taking action against the petitioner and the co-accused. After registration of FIR, investigation proceedings have been initiated and the same are going on. It will be relevant to mention here that the petitioner is a minor.

2. Vide order dated 06.12.2023, he was directed to join the investigation and was ordered to be released on interim bail in the event of his arrest.
3. Learned State counsel, on instructions from Inspector Anita, has submitted that the petitioner has joined the investigation on 22.12.2023 and his custodial interrogation is no more required.
4. Keeping in view the nature of the allegations as levelled against the petitioner and the fact that his custodial interrogation is not required, the order of interim bail dated 06.12.2023 as passed in his favour is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

11.01.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No