

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-59680-2023(O&M)
Date of Decision: 01.03.2024

ARJUN

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Gourav Jain, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 438 Cr.PC by the petitioner seeking pre arrest bail in case arising out of FIR No.243 dated 17.08.2023 registered under Sections 354-D(2) read with Section 34 and 509 of IPC & Section 67(A) of IT Act, 2000 at Police Station Sector 14, District Panchkula on the basis of complaint filed by the complainant-P(name withheld) alleging therein that from the last six months, some unknown persons were sending vulgar pictures and comments on her Instagram account as well as to the members of her in-laws family with an intent to defame her. She alleged that the present petitioner who is her cousin brother and his friend Rohan might have a hand in the same as the messages which are received have been coming from mobile numbers which were previously used by them for having conversation with her. On the basis of this statement and after registration of FIR, investigation proceedings are being initiated and the present petitioner alongwith the co-accused Rohan have been booked for the commission of aforementioned offences.

2. The present petition has been filed by the petitioner on the grounds that it is argued by his counsel that he has been falsely implicated in this case. In fact, the complainant before her marriage was having an affair with co-accused-

Rohan and had been pressurising him to support her by disclosing this fact to her family members. The petitioner, however, did not support her at that time. Rather he had disclosed about the factum of the complainant having an affair with the said boy to her mother who is paternal aunt of the petitioner. The marriage of the complainant was got performed against her wishes and that is why she was offended with the petitioner and has falsely implicated him in this case. It is also submitted that his custodial interrogation is not required and he is ready to join the investigation.

3. It is relevant to mention here that vide order dated 04.01.2024, the petitioner was directed to join the investigation. Today, status report has been submitted by learned State counsel, as per which, he has joined the investigation on 17.02.2024. It is also submitted by him that the mobile through which the alleged vulgar messages were sent to the victim, has already been recovered from the co-accused-Rohan and no recovery has to be effected from him. He is not required for further custodial interrogation. As such, no useful purpose would be served by detaining the petitioner in custody.

4. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 04.01.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

01.03.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO