

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.60543 of 2023
Date of Decision : 01.05.2024

SachinPetitioner

VERSUS

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mazlish Khan, Advocate for the petitioner.
Mr. Saurabh Girdhar, AAG Haryana.
Mr. Sandeep K. Sharma, Advocate for the complainant.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.62 dated 09.04.2023 under Sections 323, 328, 354A, 379B, 506, 509 and 201 of the Indian Penal Code, 1860 and Sections 67, 67-A of the Information Technology Act, 2000 registered at Police Station Women Police Station Rohtak.
2. The allegations in the present FIR are that the petitioner and the victim were known to each other and that they used to converse through Instagram and Whatsapp. On an undisclosed date it was alleged that the victim was called at a park and was fed some cold-drink laced with intoxicant and the petitioner clicked her photographs. Thereafter, the petitioner started blackmailing her either to marry him or he would make the photographs viral. He also threatened to kill her. It is further the allegation that the victim refused to marry the petitioner and stopped talking to him.

On 07.04.2023, between 03.00 pm to 04.00 pm, the victim and her friend were going for a walk from Nekiram College towards a park. A boy, namely, Sachin (petitioner herein) came and as soon as he came, he started misbehaving with the victim and forced her to sit on his bike. When she raised hue and cry, the petitioner snatched her mobile phone. It is further the allegation that the petitioner posted a photo status from her mobile phone on her Whatsapp and threatened that this was only a trailer and hence the present FIR.

3. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and has already been in custody for a period of 10 months and that he has absolutely clean antecedents. It has further been contended that the charges have already been framed in the present case, however, the trial is likely to take some time.

4. *Per contra* learned State counsel has contended that there are serious allegations against the petitioner and that the mobile phone of the victim has been sent to CFSL, Panchkula.

5. Learned counsel appearing on behalf of the complainant has stated that petitioner has posted the photographs of the victim on the Whatsapp status. Screenshots of the same were taken by the brother-in-law of the victim, which were handed over to the police.

6. Heard.

7. In the present case the petitioner has already been in custody for a period of 10 months and 06 days. The allegations in the present case are that the mobile phone of the victim was snatched by the petitioner and on

her own phone the Whatsapp status was changed by the petitioner by putting her obscene photographs. Though challan was presented on 20.09.2023, however, out of total 14 prosecution witnesses none has been examined till date.

8. In view of the above and without commenting upon the merits of the case and keeping in view the fact that the conclusion of trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind bars, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned. Additionally, the petitioner shall not in any manner, directly or indirectly, try to contact the victim or her relatives or try to put any pressure on her.

9. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

10. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

11. Disposed off. Pending applications, if any, also stand disposed off.

01.05.2024
jk

(ALKA SARIN)
JUDGE

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