

CRA-S-3663-2023 (O&M)

**103+213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024:PHHC:146983



**CRM-18367-2024;
CRM-52104-2023 IN/&
CRA-S-3663-2023 (O&M)
DATE OF DECISION : 11.11.2024**

**KAPIL ... PETITIONER
V/S
STATE OF HARYANA & ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Keshav Sharma, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.
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HARPREET KAUR JEEWAN, J. (ORAL)

1. This is an appeal against order dated 24.04.2023 passed by the learned Addl. Sessions Judge, Hisar whereby an application filed by the appellant seeking regular bail in FIR No. 595 dated 05.10.2022 under Sections 376(2)(n), 354A(1)(ii), 354D(ii), 506, 34 IPC and Section 3(1)(s), 3(1)(w)(ii) of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of Information and Technology Act registered at Police Station Civil Lines, Hisar has been dismissed.

2. As per the affidavit of ASI Jai Parkash, P.S. Civil Lines, Hisar, notice was issued to the prosecutrix through the Investigating Officer. The Investigating Officer had tried to contact respondent No.2-complainant on her mobile phone, however, the same was found to be switched off.

3. State has also filed the custody certificate reflecting the custody

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of the petitioner as 01 year, 10 months and 15 days.

4. Learned counsel for the appellant in CRM-18367-2024 contends that the prosecutrix has not completely supported her version in the cross-examination conducted on 22.04.2024 whereby she has stated that Kapil-appellant has never promised her to marry. She has also admitted that Kapil never made physical relationship with her forcefully or against her will.

5. The State counsel contends that the FIR was registered at the instance of the prosecutrix. There are detailed allegations against the appellant. The said allegations of sexual abuse by appellant-Kapil and creating of a fake account by co-accused Rahul @ Ravi on Instagram was corroborated. In the statement recorded under Section 164 Cr.P.C. (Annexure R-1), the prosecutrix has further alleged that co-accused Rahul @ Ravi had created a fake account on Instagram and uploaded the material with objectionable wording i.e. "Rs.25,000/- per night if anybody wants her". It is further in allegation that the video of the prosecutrix made by appellant-Kapil was circulated. The prosecutrix in her statement recorded in the Court on 04.04.2024 has categorically stated that during her relationship, appellant-Kapil had made a videograph in jolly mood. However, co-accused Rahul @ Ravi made a fake account on Instagram and displayed her photograph on the Instagram mentioning "Rs.25,000/- per night". The prosecutrix has further stated in her cross-examination conducted on 22.04.2024 that she has received an objectionable video on her mobile phone on 12.05.2022 from her colleague Vivek. In para nos. 6 and 7 of the status report filed on behalf of the State, it is mentioned that during the investigation, the Investigating Officer has recovered one mobile phone

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make Vivo from which a video of the complainant prepared by Kapil-appellant and forwarded to co-accused Rahul @ Ravi was seen. Another mobile phone Nokia was also recovered wherein a nude video of the complainant was forwarded by Kapil-appellant to co-accused Rahul @ Ravi-appellant.

6. Learned counsel for the appellant wants to withdraw the present appeal at this stage.
7. Dismissed as withdrawn.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

11.11.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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