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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.214

**CRM-M-22960-2025(O&M)
Date of decision : 06.05.2025**

Gurkirat Chahal

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.625 dated 23.11.2024 under Sections 351(2) of BNS (Section 6 of POCSO Act was deleted and Section 12 of POCSO Act was added) and Section 67-A IT Act, registered at Police Station City Jagadhari, District Yamuna Nagar.

2. The contents of the FIR is reproduced below:-

“To The SHO Sahib, Police Station City, Jagadhri, Distt, Yamuna Nagar. Subject: Regarding physical exploitation of my minor daughter by blackmailing her and making her videos viral. Sir, it is requested that I am Jitender Kumar S/o Sh. Tilak Raj (Age 46 Years), resident of Mukherji Park, Jagadhri. I work in utensils supply. That since last two-three days, I have come to know a news that some obscene videos and photos of my minor daughter, who is 16 years old, are going viral, which are on WhatsApp, Instagram, Telegram, etc. When I spoke about this to my daughter, who studies in 12th in Spring Dales Public School, Jagadhri, she started crying and got scared. She told

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that a boy named Kirat Chahal son of Bharpur Singh, resident of Musimbal, District Yamuna Nagar, who used to study in my school, used to follow me till my house when the school was over and when I used to go for tuition, he used to stand outside my tuition and harass me. Then Kirat got my phone number from someone and started harassing me to befriend me and started threatening me that he would tell everyone in the school about me and you, due to which I got scared and on Kirat's insistence I went with him, who threatened and intimidated me and did wrong things. with me by threatening to defame me, which I did not want to do. For the first time on around 11 OCT 2024, he made my nude video by threatening me and did bad things with me and after that, on many occasions, he made video calls with me by threatening to make my video viral, in which he forced me to remove my clothes and talk while laughing. He would repeatedly say that if you tell this to your family members, then I will get your brother, who is younger than me and studies in the same school, killed and will make your videos viral. Due to this, I was scared and to save my and my family's respect, I kept doing as he said. That on 14th Nov. 2024 at around 05:00 pm, the same boy forcibly made me sit in his car which was a black Thar, last digits of which are 3290 from outside Tuition Isapur Colony and took me to Gulabi Nagar side and did bad things with me in the car itself. When I protested, he forced me by showing me my previous pornographic videos. Whatever has happened to me has happened against my will and forcibly. Now I have received two-three calls from the boy's father for compromise and I also suspect the involvement of other associates of Kirat in this conspiracy. I have come to know that perhaps the boy is trying to leave the country and run away. I and my son who studies in the same school have been threatened by Kirat. My earnest request is that legal action be taken against Kirat and whoever

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else is involved in this incident and the boy may be arrested immediately. I and my family may be protected from them. Thank you. SD Applicant Jitender Kumar S/o Sh. Tilak Raj Mob. No.7015473679.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is a young man of 19 years who has been falsely implicated in this case on the statement of the father of the prosecutrix. He further submits that there is no incriminating evidence qua the petitioner, who was well known to the prosecutrix. It has surfaced during investigation that no objectionable photo/video was circulated by the petitioner. Even as per the MLR of the prosecutrix, there are no external injuries on her person. It is further submitted that the prosecutrix have turned hostile during the course of trial. The petitioner has undergone an actual custody of 05 months and 04 days and is not involved in any other criminal case.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 05 months and 04 days and there is no any other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 07.02.2025 and out of a total of 13 prosecution witnesses, 07 witnesses have been examined till date. He submits that in view of the serious allegations against the petitioner, he is not

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entitled to the concession of regular bail. However, the fact that the prosecutrix and the complainant have turned hostile is not disputed.

5. Heard the rival submissions made by learned counsel for the parties.

6. A perusal of the case in hand transpires that the petitioner is behind the bar since 30.11.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 13 prosecution witnesses, 07 witnesses have been examined so far. The petitioner has undergone an actual custody of 05 months and 04 days and is not involved in any other criminal case. The prosecutrix and the complainant have turned hostile during the course of trial. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

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- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

06.05.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No