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

Sr. No.213

**CRM-M-43866-2024 (O&M)
Date of decision : 21.07.2025**

Ashu @ Aashin

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Hardeep Singh Advocate and
Mr. Sanjeev Majra, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.47 dated 18.05.2023, registered at Police Station Women Kaithal, District Kaithal, under Sections 66-A & 67-E of Information Technology Act, 2000 and Sections 354(1)(ii), 323, 384, 406, 506, 376(2)(N) and 376(2)(J) of IPC.

2. The translated version of the FIR is reproduced below:-

*“To The Superintendent of Police, District Kaithal, Sir,
Complaint to take legal action against Ashu son of Basava, Teli
by cast, resident of village Koel, District Jind, Mob. 93503-
98200. The applicant states that-1. The applicant is a 50 year
old woman and her husband Mahipal is Sub Inspector in
Haryana Police Department Guhla The applicant has a son,
Vijay and two daughters, Geeta and Poonam, all three are
married Poonam got married on 13.05.2022 with Deepak son
of Sanjay resident of Maharana District Jhajjar Poonam studied
at Indra Gandhi University Kaithal from 2015 to 2017, the
present accused Ashu running shop of filling online form near*

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University trapped her daughter and keeping her educational documents for filing the online form for job. After that, the accused Ashu, taking the applicant's daughter Poonam under his trust and influence, got her to leave her studies from Indira Gandhi Girls University and again completed her BA from correspondence. Between 2016 and 2018, the accused Ashu had extorted about Rs 5 lakh from the applicant's daughter Poonam in the name of getting her a job by making false pretenses from time to time by filling false forms. The accused bought a car Swift Dezire in his name with this money. When the applicant came to know about this fraud, the applicant along with her daughter Poonam went and interrogated the accused Ashu about the matter and she had taken back her Rs 5 lakh from the accused in the year 2018. 3. That the applicant had come to know that the accused Ashu had prepared many objectionable photographs and obscene video and audio recordings of the applicant's daughter Poonam and the above accused had threatened to make the objectionable photographs and obscene video and audio recordings viral on the internet. After giving it to Poonam, Rs 5 lakhs were again extorted from Poonam and now for the last one year, the accused Ashu has been harassing the applicant's daughter Poonam and her husband Deepak by sending threatening, objectionable messages and photos on mobile no. 8901334101 and 9991343371. The accused wanted to destroy the married life of the applicant's daughter Poonam by defaming her by go to that village Meharana where the girl married 4 That on 27.06.2022, the accused Ashu called the applicant's son Vijay's mobile number 9992210057 at around 6 pm from his mobile number 9350398200 When the applicant's husband Mahipal heard the call, the accused Ashu started abusing and threatened that you have a son. Vijay, whom I will not let live for long, you have snatched Poonam from me, I will not let you sit in peace. 5.

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That the accused Ashu has illegally extorted Rs 5 lakh from the applicant's daughter Poonam, that the accused Ashu is keeping with himself the educational and important documents of the applicant's daughter Poonam and the accused Ashu has kept the obscene photographs, videos and audios of Poonam. Due to which the personal life of the applicant's daughter Poonam is on the verge of destruction. 6. That the applicant had earlier given an application in the Women Police Station, Kaithal, regarding the above subject, on which a compromise was reached between both the parties in writing and the above accused, admitting his mistake and made this promise that he will return the documents of the applicant's daughter and will also return the money taken from her and will not harass her and her family unjustly. 7. That the above accused did not desist from his actions and again started harassing the applicant's daughter illegally and started provoking the applicant's son-in-law by sending wrong messages on his mobile phone and provoking him to break the relationship with the applicant's daughter. On 22.03.2023, the said accused Ashu had sent obscene messages to the applicant's son-in-law from another mobile number 98124-92524. In respect of which the applicant's daughter had lodged an application at the women's police station, Kaithal. 8. That the said accused several times reached the in-laws house of the applicant's daughter in the absence of the applicant's son-in-law and went there and took photographs of the daughter's in-laws' house and sent it to the applicant's son-in-law and repeatedly visited the applicant's daughter and also sends the obscene photos taken to the applicant's son-in-law. 9. That the said accused repeatedly calls the applicant's son Vijay and son-in-law Deepak from phone number 8059925780 and uses abusive language and gives threats to break the relationship of the applicant's daughter and kill the applicant and her family. Therefore, it is requested that

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keeping in view the above facts, strictest legal action should be taken against the accused Ashu for mentally harassing him and sending obscene photographs and trying to destroy the married life of the applicant's daughter. This has been prepared by the accused Ashu, it should be destroyed and justice should be provided to the applicant. It will be so kind of you. Date Bedo Devi RTI Applicant Bedo Devi Wife Mahipal Resident Shora Kothi, Khurana Road, Kaithla Mob. 9992210057.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case which was registered on the statement of mother of the prosecutrix. There is an inordinate and inexplicable delay in the registration of the present FIR since the alleged occurrences purportedly took place between 2015 to 2017, however, the complaint with respect to the same was made in 2023, which is result of the strained relationship between the families of the petitioner and the prosecutrix. Further reliance is placed upon the FSL report annexed as Annexure P2, as per which, no semen was detected on any of the exhibits of 08 years in lodging the FIR. The prosecutrix and the complainant have been examined by the learned trial Court. He further submits that the petitioner has undergone an actual custody of 01 year and 10 months as on 26.05.2025 and there is one other case registered against him in which he has been acquitted.

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

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per custody certificate, the petitioner has undergone an actual custody of 01 year and 10 months as on 26.05.2025 and there is one other case registered against him in which he has been acquitted. He on instructions from the concerned investigating officer submits that charges were framed on 22.03.2024 and out of a total of 20 prosecution witnesses, 05 witnesses have been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. On a perusal of the case in hand, it transpires that the petitioner has undergone an actual custody of 01 year and 10 months as on 26.05.2025 and there is one other case registered against him in which he has been acquitted. 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 20 prosecution witnesses, only 05 witnesses have been examined so far. The prosecutrix and the complainant have been examined by the learned trial Court. 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.***

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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:-

- (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.

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

(KIRTI SINGH)
JUDGE

21.07.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No