



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

CRM-M-49952-2024
Date of decision: 07.01.2025

Rahul ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amit Kohar, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

Mr. Shrey Sachdeva, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 of BNSS 2023 for grant of regular bail in case having FIR No.202 dated 29.08.2024, under Sections 377, 506 IPC and Section 6 POCSO Act (Section 34 IPC and Section 67-B of IT Act, added later on), registered at Police Station Baas, District Hansi.

2. The allegations in nutshell are that co-accused Ashu and Atul committed obscene act against minor son of complainant Virender and the video of the said obscene act, which was committed about two years back, was circulated by the present petitioner on social media. During investigation, the petitioner was arrested. On completion of investigation, police has presented challan against the accused persons including the petitioner.

3. The counsel for the petitioner *inter alia* submits that the



petitioner was not present when the alleged obscene act was committed by co-accused Ashu and Atul. The video of the obscene act was not made viral by the petitioner on social media. That there was misunderstanding between petitioner and complainant Virender and now that misunderstanding stands removed, as is evident from affidavit Annexure P-3 submitted by the complainant, who is having no objection if the present petition is allowed and the name of petitioner is deleted from list of accused persons. It is further submitted that prosecution has submitted challan against the petitioner only under Sections 67-B of Information and Technology Act and the petitioner is in custody for the last more than 4 months and is having no criminal history and the trial is at its initial stage. So, prayer is made that the petitioner be released on regular bail, pending trial.

4. Reply by way of an affidavit of Raj Singh, Deputy Superintendent of Police, Narnaund, District Hisar filed on behalf of the State is taken on record along with documents Annexure R-1 to R-3.

5. The present petition is resisted by the State counsel who submits that the petitioner circulated the video of obscene act committed by co-accused Ashu and Atul against minor son of the complainant. That thus, petitioner committed offence punishable under Section 67-B of Information and Technology Act. However, the State counsel on instructions from ASI Naresh Kumar has not disputed the fact that the petitioner is in custody for the last more than 4 months and on completion of investigation, challan has been presented but the trial will commence only after the framing of charges.

6. The counsel appearing on behalf of the complainant has not



disputed the contents of affidavit Annexure P-3 and pleaded no objection if petitioner is granted regular bail.

7. Apparently, it appears that the petitioner had not committed any obscene act against minor son of complainant. The only allegations against the petitioner are that he later on circulated video of said obscene act in social media. It is a matter of evidence as to whether the video of said obscene act was made viral by the petitioner. The petitioner is in custody for the last more than 4 months and after completion of investigation, challan has been presented. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.01.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Whether reportable:-

Yes/No

Yes/No