



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

**CRM-M-47928-2024 (O&M)
Date of Decision:-17.02.2025**

Vikas

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anmol Partap Singh Mann, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

Mr. C.S. Bakshi, Advocate for the complainant.
(Through V.C.).

JASGURPREET SINGH PURI J.(Oral)

1. The present is a first petition filed under Section 483 of BNSS, 2023, for the grant of regular bail to the petitioner in case bearing FIR No.16 dated 20.04.2024 under Sections 506, 509, 354-A and 34 of IPC, and Section 8 of POCSO Act, registered at Police Station Women Police Station, District Nuh Haryana.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for about 7 months, and 4 out of the total cited 18 prosecution witnesses, including the prosecutrix and all the material witnesses, have been examined. He submitted that the petitioner has been falsely implicated in the present case by the prosecutrix, because, as per the allegations in the FIR itself, the main allegation against the main accused, namely Ankit, is that he had touched her inappropriately and also taken some



photographs of her. It was thereafter that the allegations against the petitioner emerged in the FIR, stating that although he was the first cousin of the prosecutrix, he wanted to blackmail her. It was also alleged that he had kissed her on the cheeks and touched her inappropriately. Furthermore, it was claimed that the petitioner had sent some photographs of the prosecutrix to the Instagram account of her maternal uncle, Sanjay. It is because of these reasons that the petitioner was implicated in the present case. He also submitted that the main accused in the present case is Ankit and so far as the allegations that the petitioner had sent some photographs from a fake Instagram ID to the maternal uncle of the prosecutrix are concerned, the police had already taken possession of the petitioner's mobile phone, which was sent to the forensic laboratory, but nothing was found by the police regarding the sending of messages or photos by the petitioner to anyone. He also submitted that the aforementioned Sanjay, to whom the photos were allegedly sent refused to surrender his mobile phone to the police. In this way, all the allegations against the petitioner were false. He submitted that considering the aforesaid facts and circumstances, as well as the fact that all the material witnesses have been examined, the petitioner may be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, it is correct, and it is also correct that 4 out of the total cited 18 prosecution witnesses, including the prosecutrix and all the material witnesses, have been examined. He also submitted that, as per the instructions, the mobile phone deposited by the petitioner regarding which allegations were made that he had sent photographs of the prosecutrix



to her maternal uncle was sent to the forensic laboratory, but nothing was found. Apart from the above, he also had instructions to state that the aforesaid maternal uncle of the prosecutrix, namely Sanjay, did not deposit his mobile phone with the investigating agency. As far as the antecedents of the petitioner are concerned, he submitted that the petitioner is not involved in any other criminal case and has clean antecedents.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner has been in custody for about 7 months, and as per both the learned counsels for the parties, material witnesses have been examined, including the prosecutrix. One of the main allegations against the petitioner was with regard to sending photographs of the prosecutrix on Instagram, along with the other co-accused, Ankit, to one Sanjay, who is stated to be the maternal uncle of the prosecutrix. However, as per both the learned counsels, nothing was found on the mobile phone of the petitioner, and the aforesaid maternal uncle of the prosecutrix did not surrender his mobile phone to the investigating agency. Furthermore, it is neither the case of the learned State counsel nor it has been argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses, or tamper with evidence. It has also been specifically stated by the learned State counsel that the petitioner has clean antecedents. Therefore, considering the aforesaid totality of the circumstances in the present case, this Court deems it fit and proper to grant regular bail to the petitioner .

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to



furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

17.02.2025

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No