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

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CRM-M-60988 of 2024 (O&M)

DATE OF DECISION :- 09.01.2025

Sanjay Partap Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Abhimanyu Singh, Advocate
with Mr. Shekhar Thakur, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.112 dated 12.09.2024, registered for the offences punishable under Sections 77/351(2)(n) of BNS & Section 67(A) of IT Act at Police Station Cyber Crime, District Bhiwani.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To the SHO Sir, Police Station Cyber Bhiwani, Respected Sir, I am Antima wife of Arun is resident of Village Tosham Road, Rudra Colony, Bhiwani and I am doing private job. On 16.08.2024, I had solemnized love marriage with Arun. Before that I was having friendship with Sanjay and he was having some photographs of mine and now after my marriage, he used to call from whatsapp mobile No. 9310005139 and use to

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harass me and abovesaid Sanjay from his mobile No. 9310005139 is sending my nude photographs after editing upon my mobile No. 7042791303 and is blackmailing me and after creating fake Instagram ID o_jrb and is sending the nude photographs upon the Instagram ID of my husband suryavanshi073 and is harassing us and is making indecent comments upon me and is also threatening my husband to kill. It is humble submission to you that kindly take strict legal action against Sanjay and he may be punished accordingly. Sd/- Antima applicant Antima wife of Arun resident of Rudra Colony, Bhiwai Mobile No. 7042791303”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.09.2024. Learned counsel has further submitted that there was friendly relationship between the petitioner and the victim which turned sour later on and hence the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that the petitioner has never send any nude photographs/videos to the victim and there is no substantial evidence available on the challan against the petitioner in this respect. Learned counsel for the petitioner has further submitted that the petitioner is a young man aged about 24 years with no criminal antecedents. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 08.01.2025 in Court, which is taken on record.



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5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 15.09.2024 whereinafter investigation was carried out and challan stands presented on 13.11.2024. Total 14 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to whether there was friendly relationship between the petitioner and victim which turned sour later on and hence the petitioner has been falsely implicated into the FIR in question, the veracity of the evidence available against the petitioner appended with the challan; gives rise to debatable issues which shall be essentially ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 08.01.2025 filed by learned State counsel, the petitioner has suffered incarceration for a period of 03 months and 23 days & is not shown to be involved in any other case.

7. The petition in hand is indubitably second bail petition preferred on behalf of the petitioner for grant of regular bail. The first one was dismissed as withdrawn on 26.11.2024 as the counsel therein had sought permission to withdraw the petition in order to file afresh after appending copy of the FIR in question as well. Therefore, in the considered opinion of the Court, the factum of extended custody of the petitioner as also the first application/petition for regular bail having been withdrawn on a technical

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ground, is sufficient to consider favourably the instant petition (second regular bail petition by the petitioner).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.



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10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

09.01.2025

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No