

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

214

**CRM-M-34531-2022
Date of decision: 16.03.2023**

Rashid

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manvender S.Chauhan, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.113 dated 17.05.2022 lodged under Sections 328, 34, 377 and 506 of the IPC and Section 67(A) of the Information Technology Act, 2000 (wrongly mentioned as 37-A of the IT Act in the impugned order) registered at Police Station Sanoli, District Panipat.

Learned counsel for the petitioner at the outset submits that similarly situated co-accused have been extended the concession of bail vide orders dated 16.01.2023 and 16.02.2023 by this Court and main accused Inam has been extended the concession of bail by the Trial Court vide order dated 30.01.2023.

Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, submits that though the petitioner was named in the FIR, however, there is no specific attribution qua the

petitioner of having committed any unnatural offence upon the complainant. He submits that all the attributions qua preparation of a video have been levelled against co-accused Inam. It has been argued further that had the alleged offence indeed been committed, the complainant would not have waited for two months to get himself medico legally examined but would have gone straightaway to get his medico legal examination done.

Per contra, learned State counsel on instructions from SI Arsh, while opposing the prayer and submissions made by the counsel opposite, submits that there are serious allegations against the petitioner and the other co-accused of first intoxicating the complainant by making him drink beer and thereafter co-accused Inam prepared an obscene video of the complainant which was then circulated.

On a pointed query put to the learned State counsel qua the stage of the trial, he, on instructions has submitted that the prosecution evidence is likely to commence on the next date of hearing i.e. 25.04.2023. Learned State counsel has also not been able to controvert that all the other accused including main accused Inam are on bail.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 19.05.2022 and there is no likelihood of the trial concluding in the near future as none of the 12 prosecution witnesses cited by the prosecution have been examined till date. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No