

AMIT

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 305 dated 05.12.2021 under Sections 506, 120-B IPC, Section 14 of Protection of Children from Sexual Offences Act and Section 67 of the Information Technology Act, registered at Police Station Women NIT, Faridabad.

Learned counsel for the petitioner contends that primarily the allegations with regard to uploading the obscene photographs of the victim have been attributed to co-accused Sumit Kumar. In fact, the mobile phone of the petitioner which was being used by his wife, has been misused by the co-accused Sumit Kumar in creating the fake ID on Instagram. Sumit Kumar, co-accused is the brother of the wife of the petitioner and he has misused the mobile phone which was in the name of the petitioner. Furthermore, no obscene photograph has been uploaded at any point of time by the petitioner. The petitioner has been nominated as an accused on the basis of the disclosure statement of Sumit Kumar, co-accused. The investigation of the case is complete and challan has been presented. The petitioner is in custody for a period of 5 months and 8 days.

Learned State counsel has opposed the bail application on the score that there are serious allegations levelled against the petitioner and the co-accused as they have uploaded the obscene photographs of the victim on social media. Furthermore, the evidence of the prosecution is yet to commence.

It is significant to note that the allegations with regard to uploading of obscene photographs have been attributed to Sumit Kumar, co-accused and the petitioner has been nominated on the basis of the disclosure statement of the co-accused. The petitioner is in custody for a period of 5 months and 8 days and not involved in any other. Till date no witness has been examined and the conclusion of trial is likely to take some time.

Keeping in view the nature of the allegations against the petitioner and other circumstances appearing on record, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

20.09.2022

Janki

(VIVEK PURI)
JUDGE

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