

HRFB010114462023



**In the court of Rajesh Sharma (UID No.HR 0172), Addl. Sessions
Judge, Faridabad.**

CIS BA : 3558 of 2023
CNR No. : HRFB01-011446-2023
Presented on : 08.09.2023
Date of Decision: : 13.09.2023

Raja, aged about 20 years son of Gopal resident of gali No.10, Tikona
Mandir, Gyasi Kothi, Vinay Nagar, Sector-91, Faridabad.

.....Petitioner

versus

State of Haryana

.....Respondent

FIR No. : 232 dated 08.07.2023
U.S. : 379-A, 384, 201, 34 IPC and
67, 67A of I.T. Act
Police Station : Old Faridabad

2nd bail application under Section 439 Cr.P.C.

Present: Sh. Netram Tanwar, counsel for the petitioner.
Sh. Jagdish Sharma, Public Prosecutor for State.

Order:

This order of mine shall dispose of an application for grant of regular bail, moved by the petitioner/accused – Raja on the averments that he has been falsely implicated in collusion with the complainant, whereas he has no nexus with the alleged offence. Further more, name of the petitioner is not mentioned in the alleged FIR. Besides this, it is submitted that the petitioner has been confined in custody since 08.07.2023; nothing is to be

recovered from his possession and trial of the case will take long time for its completion. Thus, no useful purpose would be served by detaining the petitioner further in custody, whereas he will abide by all the terms and conditions which will be so imposed upon him by this Court. Hence, this bail application.

2. Reply to the bail application was filed by the State whereby prayer for grant of bail has been opposed.

3. Brief facts of this case, which are relevant for the disposal of bail application are that the present case was registered on the complaint of Ms. Nisha, who had alleged that she works at Rania Parlour, Omax Society, Sector-86, Faridabad. On 05.07.2023 at about 8.30 p.m. she was going towards her house on foot after her duty hours and when she reached in front of a liquor vend near Baselwa Colony and was talking on her mobile phone, then two boys came there on a motor cycle and one out of them, who was riding pillion snatched her Galaxy A14 mobile phone and managed to escape. She could not note down registration number of the motor cycle, but the same was of Hero Honda company. Her mobile phone was having Jio SIM. Thereafter, on 06.07.2023 her husband received a Whats App message on his mobile phone from some unknown number and the messenger demanded Rs. 50,000/- and directed her husband to deliver the said amount at his disclosed place, otherwise he would viral her intimate photographs from the mobile phone of his wife. The messenger also threatened her husband with dire consequences in case he would not make the payment. Accordingly, on the basis of these facts, FIR in question was registered and

law was set in to motion.

4. I have heard the rival contentions advanced by learned counsel for the parties and gone through the record carefully.

5. It has been argued by ld. counsel for the petitioner that the accused – Raja has been falsely implicated and he has been confined in custody since 08.07.2023, whereas no useful purpose is going to be served by detaining him further in custody. He also pointed out that prosecution has failed to prima facie prove the involvement of accused in this case. He also contended that allegations leveled in the FIR are totally false and except another case under 25 Arms Act, which was lodged on the date of registration of present FIR, no other case is registered against the accused. With these submissions, he prayed for acceptance of present bail application.

On the other hand, ld. Public Prosecutor for State has contended that accused had actively participated in the offence in question and the trial of this case has not yet commenced. He also contended that report from the DITAC for recovery of date is still awaited. Accordingly, considering the seriousness of the offence, dismissal of the present bail application has been prayed for.

6. Admittedly, this is the second bail application of the petitioner. His first bail application was got dismissed as withdrawn by this Court vide order dated 17.08.2023. Any how, the fact remains that the petitioner has been confined in custody since 09.07.2023, recovery has already been effected from him and he is no more required by the police for any investigation or interrogation, whereas trial of the case is likely to take long

time. Infact, it is a question of debate that as to whether the accused has committed the subject offence or not. Still further, the object of detention during investigation and trial is not punishment but to secure presence of the accused during investigation and trial. Bail is the rule and committal to jail is an exception. Thus, further incarceration of the petitioner – Raja, will not serve any purpose.

7. Consequently, keeping in view the facts and circumstances detailed above and without commenting upon merits of the case, the application is allowed. The petitioner/accused – Raja is hereby admitted to bail on his furnishing personal bonds in the sum of Rs. 30,000/- with one surety in the like amount to the satisfaction of Id. Illaqa/Duty Magistrate. A copy of this order be sent to the concerned Court for compliance. File be consigned to the record room after due compliance.

Announced.

(Rajesh Sharma),
Addl. Sessions Judge,
Faridabad. 13.09.2023
(UID No.HR0172)

Note: This order consists of four pages and all the pages
have been signed by me.

(Rajesh Sharma),
Addl. Sessions Judge,
Faridabad. 13.09.2023
(UID No.HR 0172)

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