

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

216

CRM-M-20151-2020 (O&M)

Date of decision: 25.08.2020

Mukul

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Brijindra Singh Bajwa, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video
conferencing.)

CRM-17464-2020

Prayer in this application is for exemption from filing
certified/original copies of FIR and Annexures.

For the reasons mentioned in the application, the same is
allowed and true translated extracts of FIR and true typed/fair legible
photocopies of Annexures are taken on record.

CRM-M-20151-2020

The petitioner has filed the present (first) petition under
Section 439 of the Code of Criminal Procedure, 1973 (for short, "the
Cr.P.C.") for grant of regular bail in case FIR No.0072 dated
30.04.2020 registered under Sections 306, 294 and 506 of the Indian
Penal Code, 1860 (for short, "IPC") at Police Station Jamalpur, District
Police Commissionerate, Ludhiana.

The above said FIR was registered on statement of Sangeeta Sapra, who alleged that on 09.04.2020 at about 08:40 P.M., her daughter Prachi aged about 18 years committed suicide by hanging herself from the ceiling fan regarding which DDR No.14 dated 10.04.2020 was registered and proceedings under Section 174 of the Cr.P.C. were carried out. Now, they have come to know that the petitioner raped her daughter after befriending her and made an obscene video through phone. Subsequently the petitioner blocked the number of her daughter on his phone and did not unblock the same despite her request. The petitioner abused her (complainant-Sangeeta Sapra), her husband and her daughter Deepanshi and threatened to kill them. The petitioner forced her daughter Prachi to commit suicide. The police investigated the case, arrested the petitioner on 30.04.2020 and on completion of investigation, filed report under Section 173(2) of the Cr.P.C. against him.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel. However, no reply has been filed by the respondent-State.

Learned State counsel has filed custody certificate of the petitioner through e-mail print out of which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The father of the deceased made statement during proceedings under Section 174 of the

Cr.P.C. that the deceased committed suicide because of mental trauma due to lockdown and loss of her studies and no one was responsible for the same. The petitioner had friendly relations with the deceased as reflected by the messages exchanged between them. The petitioner did not commit any offence and did not abet commission of suicide by the deceased in any manner. Offences under Sections 306, 294 and 506 of the IPC are not made out. There is no cogent incriminating evidence to connect the petitioner with the crime. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner recorded obscene video, blackmailed the deceased and raped her. Subsequently, the petitioner blocked her number on his mobile phone and also abused/intimidated the complainant, father and sister of the deceased. The petitioner abetted commission of suicide by the deceased. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, absence of any suicide note, and the fact that the question as to whether the petitioner abetted commission of suicide by the deceased has to be determined on the basis of evidence during trial which is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and that further detention of the petitioner not being punitive will not serve

any useful purpose but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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