

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

213

CRM-M-6719-2021 (O &M)

Date of decision: 22.03.2022

TARSEM PATEL @ MONU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr. V.G.Jauhar, Senior DAG, Punjab
for the respondent-State.

SANT PARKASH, J. (Oral)

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 106 dated 31.07.2020 registered under Sections 364, 386, 506 and 120-B of the Indian Penal Code, 1860 and Section 66-A of the Information Technology Act, 2000 at Police Station Haryana, District Hoshiarpur.

The present FIR has been lodged on complaint made by Ashok Chaudhary who alleged that on 31.07.2020 Kashmir Kaur @ Raj gave a telephone call to the complainant and asked him to meet her near Century Plywood Factory where he went in his car. Thereafter, both of them went to a rented house in the fields and after having intimate talks they removed their clothes. In the meanwhile, some unknown persons including ladies came there. One lady namely Rinku started preparing video on her mobile phone. The petitioner along with one Rajinder

Kumar forcibly tied him (complainant) and started beating him. The accused persons on the basis of the said video blackmailed the complainant to give Rs. 2 Lakhs to avoid video being circulated on the internet. The accused persons confined the complainant illegally and extorted money from him.

The petition has been opposed by learned State Counsel in terms of Status Report/reply by way of affidavit of Gurpreet Singh PPS, Deputy Superintendent of Police, Sub-Division Hoshiapur, District Hoshiarpur.

I have heard learned Counsel for the parties and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated on the basis of a concocted story. The entire allegations are against co-accused Rinku and Kashmir Kaur and the petitioner has no concern with the alleged allegations. The petitioner is in custody since 31.07.2020. Co-accused Kashmir Kaur @ Raj and Rinku have already been granted bail by this Court vide orders dated 16.09.2020 and 12.11.2020 (Annexures P-2 and P-3). Challan has already been presented. The trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be enlarged on regular bail.

Per contra, learned State Counsel has opposed the petition while contending that the allegations against the petitioner are serious in nature and the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Custody Certificate dated 21.03.2022 is taken on record.

As per the Custody Certificate, the petitioner is in custody for the last more than one year.

Having considered the facts and circumstances of the case, the period of custody of the petitioner, parity with his co-accused Kashmir Kaur @ Raj and Rinku who have already been granted bail, custodial interrogation of the petitioner not required and the fact that the trial is likely to take long time but without expressing any opinion on the merits of case, 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.

Since the main case itself has been decided, any pending civil miscellaneous applications have been rendered infructuous and are disposed of accordingly.

22.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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