

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18363-2021
Date of Decision: 10.01.2022

Sunil Kumar

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Harish Goyal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

In pursuance of the advance notice, Ms. Ruchika Sabherwal, AAG Punjab has put in appearance on behalf of the State and has filed the custody certificate.

The petitioner has prayed for grant of regular bail in case FIR No.310 dated 28.12.2020, under Sections 306, 384, 506, 509, 34 of IPC, 1860 registered at Police Station City Sunam, District Sangrur.

Briefly, the FIR has been registered on the basis of the statement of Darshan Singh alleging that the deceased was his daughter who was in relationship with the petitioner. The petitioner had taken the mobile phone of the deceased wherein her personal images were stored. The petitioner refused to return the mobile phone despite demand and he had been harassing the deceased. He had been threatening to upload the obscene pictures of the deceased which prompted her to commit suicide.

Learned counsel for the petitioner has argued that the petitioner is in custody for a period of one year and 7 days, the report of FSL has not been received and even charges have not been framed.

It has been pointed out that the trial is getting delayed as the petitioner is not being produced by the jail authorities on some dates of hearing.

Bail application has been resisted by the learned State counsel on the score that the petitioner has been named in the suicide note recorded by the deceased.

It is significant to note that report of FSL has not yet been received. The petitioner is in custody for the last one year and 7 days and not involved in any other case. The investigation of the case is complete and challan has been presented in the Court, though the report of FSL has not yet been received.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. 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 requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

10.01.2022
Janki

(VIVEK PURI)
JUDGE

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