

MUKESH RANA

...PETITIONER

VERSUS

STATE OF UT CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Premjit Singh Hundal, Advocate
for the petitioner.

Mr. Deepinder Brar, APP, for UT, Chandigarh.

VIVEK PURI,J. (ORAL)

Mukesh Rana-petitioner is seeking regular bail in the case bearing FIR No.71 dated 30.04.2021 under Section 306 IPC, registered at Police Station South Sector-34, Chandigarh.

Briefly, the FIR has been registered on the basis of statement of Shiv Karan, the brother of the deceased. It has been alleged that the deceased was aged about 21 years. The petitioner had been harassing her for a period of 02 years and had also been having talks on mobile phone. The petitioner had also been pressurizing her to develop physical relations and threatening her to post the obscene video on social media. The deceased has committed suicide on 19.04.2021 by hanging herself.

Learned counsel for the petitioner contends that there is a delay of 10 days in lodging the FIR. The death had taken place on 19.04.2021 and immediately thereafter, the proceedings under Section 174 Cr.P.C were conducted. Even at that point of time, the statements of two brothers of the deceased were recorded but no accusing finger was raised against the petitioner. The mobile numbers as depicted in the FIR do not pertain to the petitioner and even, no

obscene video has been recovered. The investigation of the case is complete and challan has already been presented.

Learned State counsel has opposed the bail application on the score that the telephonic talk which took place between the petitioner and the deceased indicates that there was exchange of harsh words and even, the petitioner had asked the deceased to die. The voice sample has been sent to Forensic Science Laboratory and the report has not yet been received.

In the instant case, the FIR has been lodged after a delay of about 10 days. The brothers of the deceased never imputed anything against the petitioner in the proceedings under Section 174 Cr.P.C which were conducted immediately after the death. The investigation of the case is complete, the challan has been presented and the charge has been framed but no witness has been examined till date. The voice recording has been sent to Forensic Science Laboratory but the report has not been received till date. In such circumstances, the conclusion of trial is likely to take sometime, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

26.05.2022
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(VIVEK PURI)
JUDGE

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