

ANKUR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S. Johal, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Aditya Sanghi, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

Reply of Ashok Kumar, HPS, Deputy Superintendent of Police, Head Quarters, Hisar and custody certificate of the petitioner on behalf of the respondent-State have been filed and the same are taken on record.

Ankur-petitioner is seeking regular bail in the case bearing FIR No.395 dated 25.04.2022, under Sections 294/306/506 IPC, registered at Police Station HTM Hisar, District Hisar.

Briefly, the allegations against the petitioner are to the effect that the deceased had committed suicide on 15.04.2022 by hanging as the petitioner had been harassing and black-mailing her. The petitioner was having obscene photographs of the deceased with him and he had also asked the deceased to commit suicide shortly prior to the occurrence and the conversation has been recorded in the mobile phone of the deceased.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of about 04 months and 03 days and is not involved in any other case. The investigation of the case is complete, challan has been presented, charge has been framed and statements of 02 witnesses out of 14 have been examined.

Furthermore, there is a delay of 10 days in lodging the FIR.

Learned State counsel and counsel for the complainant have opposed the bail application on the score that the recording in mobile phone of the deceased indicates abetment on the part of the petitioner shortly before the occurrence. However, it has been stated that the voice sample of the petitioner which has been procured during the course of investigation has been sent for expert opinion along with the mobile phone but such report has not been received.

The petitioner is in custody for a period of 04 months and 03 days and is not involved in any other case. The opinion of the expert with regard to the audio recording in the mobile phone has not yet been received and receipt thereof is likely to take sometime. The investigation of the case is complete, challan has been presented, charge has been framed and the case is fixed for prosecution evidence. Only 02 out of 14 witnesses have been examined. There is a delay of 10 days in lodging the FIR. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of 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 her furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

12.09.2022
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(VIVEK PURI)
JUDGE

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