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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21204-2022 (O&M)
Date of decision : 14.09.2023

Ahmad Raza ... Petitioner(s)

Versus

State of UT Chandigarh ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ramesh Kumar, Advocate for the petitioner.

Mr. Deepinder Brar, Addl. PP for UT Chandigarh.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.69 dated 16.09.2021 under Sections 376-D, 420, 506, 34 of the Indian Penal Code, 1860 and Sections 66 and 67 of the Information Technology Act, 2000 registered at Police Station IT Park, UT Chandigarh (Annexure P-1).
2. Learned counsel for the petitioner would contend that a totally false case has been planted against the petitioner. It is further the contention of learned counsel that though the alleged incident is dated 12.07.2021, however, the complainant left for Bihar and a complaint was made in Bihar on 26.07.2021 and a Zero FIR was registered at Women Police Station

Kishanganj, Bihar on 16.08.2021 which was then transferred to Chandigarh. It is further the contention that the complainant while appearing as PW2 has not supported the case of the prosecution and has stated that the accused persons have not done anything wrong with her and that she has got a false case registered against the accused persons on the asking and threatening of her husband. The petitioner has been in custody for a period of 01 year 09 months and 12 days.

3. Learned Addl. PP for UT Chandigarh has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 year 09 months and 12 days. Learned counsel on instructions from ASI Balwan Singh is not in a position to deny that the complainant has not supported the case of the prosecution rather she stated that no wrong was done by the accused persons and a false case was got registered on the asking and threatening of her husband.

4. Heard.

5. In the present case the petitioner has already been in custody for a period of 01 year 09 months and 12 days. The complainant has not supported the case of the prosecution rather she stated that no wrong was done by the accused persons and a false case was registered on the asking and threatening of her husband. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

14.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO