

219

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32773-2023 (O&M)
Date of decision: 16.11.2023

Rajinder Singh

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Ms. Roopse Sharma, Advocate for
Mr. Anil Kumar Lamdharia, Addl. PP, U.T. Chandigarh.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is the 4th petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.140 dated 13.03.2015 under Sections 67 & 67-A of the Information Technology Act, registered at Police Station Manimajra, District U.T. Chandigarh.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody for last 01 year, 03 months and 08 days and it is a case, where the allegations were that the petitioner and his father had given an obscene video to the complainant and on the basis of which, present FIR was registered. He submitted that earlier the petitioner was declared proclaimed offender on 12.04.2017, but thereafter, he was re-arrested on 03.10.2022 and

now custody of the petitioner comes out to more than 01 year and 03 months. He further submitted that in fact, the entire allegations against the petitioner are that his father has done some wrong and the trial commenced qua his father and he has already been acquitted and the petitioner is at parity with his father, since the allegations were totally false. He submitted that the petitioner is also suffering from mental ailment and his prolonging custody will not be conducive to his health also and considering the aforesaid facts and circumstances, he may be considered for grant of regular bail.

3. On the other hand, Ms. Roopse Sharma, Advocate appearing on behalf of Mr. Anil Kumar Lamdharia, Addl. PP, U.T. Chandigarh has submitted that once the petitioner has been declared proclaimed offender, he is not entitled for the grant of regular bail. She has, however, submitted that the other co-accused, who is father of the petitioner, has already been acquitted of the charges.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for 01 year, 03 months and 08 days. There were similar allegations against the petitioner and his father, who has already been acquitted, as per learned counsel for the parties. This Court is of the view that even if the petitioner was declared proclaimed offender, but that would not mean, he would be disentitled for grant of regular bail for all times to come. He has already faced incarceration of 01 year, 03 months and 08 days and his father has already been acquitted and charges were similar in nature.

6. Therefore, considering the aforesaid totality and circumstances of

the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

[JASGURPREET SINGH PURI]
JUDGE

16.11.2023
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No