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2023 : PHHC :085622

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37935-2022
Date of Decision: 07.07.2023

SUKHJINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Charanjit Singh, Advocate with
Mr. Daman Sandhu, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 92 dated 04.09.2021 under Sections 354-C, 384, 506, 120-B IPC and Section 67-B of Information Technology Act, registered at Police Station Makhu, District Ferozepur.

2. Custody certificate has been taken on record.

3. Learned counsel for the petitioner contends that the allegations against the petitioner are with regard to sending objectionable material with regard to the wife of the complainant on whatsapp. The petitioner is in custody for a period of 1 year, 10 months and 3 days and the statement of the complainant has been recorded during the course of trial. The wife of the complainant has not been cited as a witness in the case.

4. Learned State counsel has not disputed the aforesaid factual aspect.

5. On a query, learned State counsel submits that only 1 out of 7

witnesses has been examined.

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6. The petitioner is in custody for a period of 1 year, 10 months and 3 days and not involved in any other case. The allegations are only to the extent that he had sent objectionable photographs of the wife of the complainant on whatsapp. The statement of the complainant has been recorded during the course of trial and the wife of the complainant has not been cited as a witness in the case. As such, it cannot be said that the petitioner can in any manner win over or influence her. Six witnesses still remain to be examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. 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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

07.07.2023

Janki

**(VIVEK PURI)
JUDGE**

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