



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

(220)

**CRM-M-64113-2024
Date of Decision: 23.7.2025**

Sanjeev Kumar @ Sanju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. This is the second application filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No. 41 dated 09.3.2023 under Sections 306, 384, 120-B IPC, registered at Police Station Pasiana, District Patiala.

2. The translated version of the FIR is reproduced below:-

"I state that I am a resident of the aforementioned address and I own a PVC panel manufacturing factory named 'Deco Star' in Village Cheema, which is operated by me and my younger brother Sandeep Bansal. I have three children: my eldest daughter Disha Bansal, aged about 21 years, who was pursuing her second year at Shri Ram College, Delhi; my younger daughter Chidhima Bansal, aged about 15 years, who studies in the 10th grade in Sunam; and my youngest son, Subham Gopal, aged about 12 years. Today, my sister Manisha Rani, daughter of Desh Raj, resident of House No. 26, Happy Colony, Rajpura Road, Patiala, organized a prayer (Kirtan) at her home on 05/03/2023. My elder daughter Disha Bansal, along with my sister-in-law Sakshi Rani (wife of Sandeep Bansal) and my mother Makles Devi, went to attend the event by car, reaching there around 11 AM. At the event, my daughter (xxxx



name withheld) took ₹200 from my sister Manisha Rani, stating that she wanted to eat a Kulcha (Indian bread). Around 12 noon, she left the house on foot. Later, her mobile phone (an iPhone with SIM number 52842-12477), her footwear, and the Kulcha were found near Patiala Canal at Pass Samana Bridge on the Sangrur-Patiala Road (Patiala side) around 12:40 PM.

On 22/02/2023, I was in China for work-related purposes at the factory. All details were communicated to me by my brother Sandeep Bansal over the phone. He came back on 7.3.2023 and thereafter started searching for his daughter. His daughter Ridhima told that on 5.3.2023 at about 9.00 A.M. his daughter (xxxxx) had also made phone call to police helpline that Sanjiv Kumar was harassing her and blackmailing her. Sanjiv Kumar was having some objectionable photographs of his daughter. His daughter was previously studying in SD college, Chandigarh, where he met Sanjiv Kumar and he took her obscene photographs and started blackmailing her. Thereafter, they made complaint to Naresh Kumar, uncle (chacha) of Sanjiv Kumar on which Sanjiv Kumar apologized and assured that he will delete photographs but he has not done so and kept on blackmailing his daughter, due to which, his daughter had committed suicide.”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case on the statement of the complainant-father of the deceased. It is further submitted that the allegations against the petitioner are that he along with co-accused were engaged in blackmailing the deceased by purportedly possessing her objectionable photographs. However, there is no direct or substantial evidence on record to link the petitioner with the alleged offences. Moreover, there is no corroborative material on record to implicate the petitioner with the alleged offences. Further, reference is made to the judgment of the Supreme Court passed in ***Jayedepsinh Pravinsinh Chavda and others vs. State of Gujarat, passed in SLP(CrL) No.7957 of 2024***, whereby it was held that in order to bring home charges under Section 306



IPC, there must be intention and active aiding or abetment of the commission of suicide, and that mere harassment by itself is not sufficient to hold an accused guilty of abetting suicide. It is submitted that in the present case also, the ingredients of Section 306 IPC are not made out against the petitioner. Learned counsel further submits that as per the status report, the vaginal swabs of the deceased and DNA samples of the petitioner were got matched at the FSL concerned and the FSL concerned has reported that no semen was detected on vaginal swabs of the deceased. Moreover, no human male DNA was recovered to ascertain the genetic contribution of the petitioner on the relevant exhibits of the deceased. He further submit that the petitioner is in custody since 19.3.2023 and no other case has been registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 02 years, 04 months and 03 days. He on instructions from the concerned investigating officer submits that charges were framed on 02.01.2024 and out of 18 prosecution witnesses, two have been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the charges were framed on 02.01.2024 and out of total 18 prosecution witness, 02 have been examined till date. The petitioner has undergone actual custody of 02 years, 04 months and 03 days, and there



is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Further detention of the petitioner will not serve any useful purpose and will be violation of Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in ***"Dataram Singh vs. State of Uttar Pradesh and another"*, (2018) 3 SCC 22.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 23, 2025
Gurpreet Singh

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