

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M-1139 of 2016 (O&M)
Date of Decision: 26.02.2016

Ajay Rawat --Petitioner

Versus

State of Haryana --Respondent

2. CRM No.5843 of 2016 (O&M)

Mool Chand --Petitioner

Versus

State of Haryana --Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Keshav Pratap Singh &
Mr. Ashwani Bhardwaj, Advocate for
Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Rajiv Doon, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-1139 of 2016 (Ajay Rawat Vs. State of Haryana) and CRM No. M-5843 of 2016 (Mool Chand Vs. State of Haryana) as both these connected petitions filed under Section 439 Cr.P.C arise out of the same F.I.R i.e. F.I.R. No.733 dated 17.11.2015 under sections 66, 66A of I.T Act and sections 384, 388, 389, 120-B I.P.C, registered at Police Station, City Palwal, District Palwal and the prayer is for grant of regular bail to the petitioners herein.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Lakhan son of Nathi Singh. Complainant alleged that he was receiving frequent calls from a mobile no.9599773177 and from a girl, who disclosed her name as Sonia. On 16.11.2015 complainant had come to Palwal for some work and the same girl i.e. Sonia established contact and thereafter took him to a house

and forced him to establish physical relations. At that point of time 3/4 unknown boys entered the room and threatened the complainant that he had committed a wrong act with their sister and he would now be implicated in a rape case and raised a demand of Rs.10 lacs. Allegations are that Rs.2 lacs were paid to these boys out of fear and thereafter the entire incident was narrated to his friend namely Raju Pujari. Thereafter the accused were called upon to reach Palwal Bus Stand to pay up the balance amount of Rs.8 lacs and it is there upon that the two petitioners herein were apprehended.

Petitioners were arrested on 17.11.2015.

Investigation in the case is complete, challan was presented and even charges have been framed. Out of 7 prosecution witnesses cited the complainant namely Lakhan has been examined.

Counsel appearing for the petitioners have referred to the deposition of complainant Lakhan as PW-1. Perusal thereof would reveal that the prosecution version in so far as Mool Chand i.e. Petitioner in CRM No. M-5843 of 2016 has not been supported at all. Rather complainant Lakhan has clearly stated in his cross-examination that Mool Chand was not even present during the occurrence.

In so far as the role of Ajay Rawat is concerned, the complainant in his deposition in examination-in-chief has stated that Ajay Rawat as also Prem had reached subsequently in the premises in question and had brokered a settlement for an amount of Rs.10 lacs. As per statement of PW-1 i.e. complainant, Ajay Rawat was not amongst the initial group of boys, who had beaten/threatened and intimidated the complainant on account of having established relations with the girl in question namely Sonia. Still further even the delivery of Rs.2 lacs is stated to be not to Ajay

Rawat but to the initial bunch of boys, who had beaten up the complainant.

In view of the circumstances noticed herein above as also in the light of the clear deposition of complainant Lakhan, the petitioners are held entitled to the benefit of bail. Both the petitions are, accordingly, allowed. Petitioners be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Palwal.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.02.2016

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