

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.21880 of 2017
Date of Decision.11.08.2017

HasinaPetitioner
Vs
State of HaryanaRespondent

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The petitioner-Hasina has sought interim protection in case registered under FIR No.19 dated 04.03.2016 under Sections 120-B, 376(2) (d) IPC later on offence under Section 376(2)(d) had been deleted by adding Section 384 IPC registered at Women Police Station, Mewat, District Mewat.

Learned counsel appearing on behalf of the petitioner submits that on the basis of the statement of one Misrufi, wife of Sabbir, the aforementioned FIR was registered against Sahab Khan, Chhota and Assruddin along with Rahisan for allegedly raping the victim. However, during the course of investigation, on statement of Sahab Khan, it has surfaced that the complainant-Misrufi, Hasina and Rahisan made phone calls to Hukmi for arriving at compromise against receipt of money and in this regard, offence (extortion) under Section 384 IPC has been inserted in the aforementioned FIR against the petitioner, Misrufi and Rahisan and three more accused, therefore, is apprehending arrest at the hands of police.

He further submits that the phone is not owned or purchased in

been recovered by the police.

Ms. Mahima Yashpal, AAG, Haryana submits that since Misrifi and victim along with Rahisan and petitioner-Hasina have been made accused, custodial interrogation of the petitioner is required for ascertaining the truth as the allegation of extortion owing to demand of huge money cannot be ignored. It is pre-conceived conspiracy which requires to be unearthed.

This court called upon the State counsel to apprise as to whether present accused is involved in any previous crime, the answer is in negative.

I have heard learned counsel for the parties, appraised the paper book and as well the order under challenge. The mobile phone from which the alleged extortion had been demanded is in the name of Sahab Khan and there is no prima facie proof of recording of voice call/statement. It will be subject to the proof in the evidence as and when report under Section 173 Cr.P.C. is filed. But for the time being, I am of the view that the petitioner cannot be arrested in view of such allegations.

Resultantly, the petition is disposed of by granting anticipatory bail to the petitioner on the condition that that she shall join the investigation as and when required and in the event of her arrest, she shall be released on bail by the Investigation Officer on her furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned under Section 438(2) Cr.P.C.

(AMIT RAWAL)
JUDGE

August 11, 2017
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No