

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

CRM-M No.2881 of 2017

Date of Decision: 30.03.2017

Balwan

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 48 dated 03.07.2016, under Sections 384 and 389 I.P.C. registered at Police Station Women, District Hisar.

The petitioner is aggrieved of the offences under Sections 384/389 I.P.C. The complainant alleged that the petitioner, his wife Sudesh and one Radhey are involved in some immoral activities and they are in the habit of extorting money from those activities. In furtherance of their evil design, co-accused Radhey sent Sudesh to the complainant Mahesh

Kumar, his friend Meenu and Rakesh Rathi on 30.06.2016. All of the aforesaid three persons allegedly made sexual relations with Sudesh with her consent and gave her an amount of ₹3,000/- (Rupees Three Thousand only). Thereafter, Sudesh started harassing the complainant and demanded an amount of ₹ 15,00,000/- (Rupees Fifteen Lacs only), otherwise she would involve the complainant in some false rape case. Ultimately, the complainant agreed to the illegal demand of Sudesh and on his asking, Sudesh and her husband boarded the vehicle of the complainant, where the alleged amount was handed over to them.

As per recovery memo, the amount to the tune of ₹5,00,000/- (Rupees Five Lacs only) was recovered from Sudesh, when she was sitting in the car of the complainant. The petitioner was also present with his wife Sudesh.

Learned State counsel on instructions from Head Constable Kalyan Singh stated that the challan has already been presented. Out of total witnesses, only three witnesses have been examined.

The petitioner is in custody since 04.07.2016.

Keeping in view the offence being triable by the Judicial Magistrate Ist Class, and the period of incarceration suffered by the petitioner, I deem it appropriate to enlarge the

petitioner on regular bail.

In view of above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 30, 2017
Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No