

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-5260 of 2017
Date of Decision: 19.07.2017**

RajbirPetitioner

VERSUS

State of HaryanaRespondent

2. CRM-M-15327 of 2017

ShamsherPetitioner

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S Redhu, Advocate
for the petitioner in CRM-M-5260 of 2017

Mr. Amarjit Singh Virk, Advocate
for the petitioner in CRM-M-15327-2017.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 645 dated 27.09.2016 registered for offences punishable under Sections 384, 389 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station City Rohtak, District Rohtak.

Heard.

As per case of prosecution, one lady (prosecutrix) got involved husband of complainant and other persons in a case under Section 376D of Indian Penal Code and got registered FIR No. 510 dated 04.08.2016 at Police Station City Rohtak.

Complainant alleged that she received information that prosecutrix in that case is a blackmailer, who allures several persons for making physical relation with her and then takes lakhs of rupees from them. In order to get her husband released, she had a talk with prosecutrix, who demanded ₹5 lacs and ultimately bargain was settled for ₹4 lacs. Complainant arranged ₹1 lac for payment to prosecutrix and her husband and at the same time she reported the matter to police and police laid a trap and apprehended both prosecutrix and her husband and recovered amount of ₹1 lacs.

Learned counsel appearing for petitioner-Rajbir (CRM-M-5260-2017) submits that petitioner-Rajbir was not named in the FIR and has no role in the entire blackmailing, if any, made by the prosecutrix and her husband. He is in custody for the last more than nine months.

Learned State counsel submits that petitioner-Rajbir was arrested being a gang member of prosecutrix. His name was disclosed during investigation by the prosecutrix in case bearing FIR No. 645 dated 27.09.2016.

Learned counsel for petitioner-Shamsher argues that wife of petitioner was gang raped and the present case has been wrongly planted on petitioner and his wife to take the benefit in case bearing FIR No. 510 dated 04.08.2016. It is a case triable by the Magistrate and the petitioner is in custody for the last more than nine months. Other co-accused, namely, Pardeep, Saroj Rani and the prosecutrix in FIR No. 645 dated 27.09.2016 have already been allowed bail. Allegations against the petitioner are also similar.

In view of above submission of learned counsel for the

petitioner and keeping in view the fact that similarly placed co-accused have been enlarged on bail but without expressing any opinion on merits of the case, present petitions are allowed. Petitioner-Rajbir in CRM-M-5260-2017 and petitioner-Shamsher in CRM-M-15327-2017 are ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

July 19, 2017

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No