

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

CRM-M-12126-2018

Date of decision:-8.5.2018

Simran

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Harsh Neyol, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Simran – an accused in FIR No.185 dated 3.10.2017, under Sections 384,
389, 420 and 34 IPC, registered with Police Station City-I, Abohar.

Briefly stated, the prosecution story is that the FIR in this
case was recorded on the basis of statement of complainant Aman @
Babu Rani, who in her statement made to the police stated that
petitioner/accused Simran had given her certain articles for use in beauty
parlour; that on 27.9.2017, accused Simran brought the complainant to
Abohar and at bus stand of that city, a boy came to meet Simran,
thereafter the complainant and Simran went to A.K. Hotel, Abohar; the

complainant and Simran had gone to a room in the hotel and Simran told the complainant that Gagan would come and the complainant should have physical relations with him; the complainant refused to do so but Simran made her agree stating that she had given her articles for beauty parlour and if she did not agree then she would defame her in the village; that as a result of the blackmailing by Simran, the complainant agreed to have physical relations with Gagan; after some time Gagan came to that room; Simran went to the attached bathroom. Gagan had sex with the complainant, which according to complainant was without her consent; that when Gagan left, then accused Simran came out of the bathroom and asked the complainant to go to the police station so as to involve Gagan in a criminal case and then to fleece lakhs of rupees from him. According to the complainant, she did not agree to do so, thereafter, Simran called Raj Singh and his wife and took the complainant to the hospital getting her admitted there; that Simran made a telephonic talk to Gagan threatening him to pay Rs.5 lakhs, otherwise, he would be involved in a criminal case; that Simran had asked the complainant to give statement against Gagan. According to the complainant, Simran and Raj Singh have been blackmailing the boys in such a manner. After registration of formal FIR, the petitioner was arrested in this case. She had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Fazilka vide order dated 9.2.2018, as such, she has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious of forcing a young girl to have sex with a stranger by blackmailing her and then trying to fleece money from the boy under threat of involving him in a criminal case.

Learned State counsel has submitted that the petitioner is involved in another criminal case bearing FIR No.82 dated 18.7.2017, under Sections 420, 384, 388, 389, 120-B IPC, Police Station City, Fazilka, wherein she was granted bail and thereafter she has committed the present offence. According to him, there is every likelihood of her indulging in crime again, if granted bail and there is every likelihood of her absconding and trying to give threat or inducement to the prosecution witnesses.

After hearing learned counsel for the parties, I am of the considered view that the apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to her absconding and even tampering with the prosecution evidence cannot be brushed aside lightly. Furthermore the allegations are quite serious and grave and no case for grant of regular bail to the petitioner is made out.

Further, learned counsel for the petitioner has contended that the petitioner is in family way and her expected date of delivery is in the middle of June, therefore, regular bail be granted to her. Supporting documents in that regard have been placed on file. However, countering such contentions, learned State counsel submits that adequate medical

facilities are there in the jail and if need be, the petitioner can be taken to the nearest Government hospital.

After hearing such contentions put forward by learned counsel for the petitioner and learned State counsel, I am of the considered view that merely because the petitioner is in family way is no ground to grant her bail since adequate medical facilities are stated to be there in the jail premises and if need be, she can be shifted to nearest Government hospital. Superintendent of the jail concerned is responsible for taking care of such eventualities.

Therefore, finding no merits in the petition, the same stands dismissed.

8.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No