

Crl. Misc. No. M-16547 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-16547 of 2018

DATE OF DECISION:11.02.2019

Virender Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Mahir Sood, Advocate and
Mr. Arun William, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana.

Mr. DPS Bajwa, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to petitioner-Virender Singh in case FIR No. 10 dated 14.1.2018 registered under Sections 384,389,120-B IPC at Police Station Garhi.

Learned senior counsel for the petitioner contends that the petitioner has falsely been implicated in this case and the allegations in the FIR are concocted and false. Learned senior counsel further contends that the complainant in connivance with police officials has hatched a conspiracy to create an evidence for avoiding conviction in a rape case,

which was lodged against his brother. Learned senior counsel also contends that the petitioner is known to the victim lady and because of that reason, he has falsely been implicated. As per allegations in the FIR, the petitioner hatched a conspiracy to receive money, whereas, no money was demanded by him from the complainant. It is also an argument of learned senior counsel that ingredients of Sections 384,389 and 120-B IPC are missing and no case is made out against the petitioner. The bail petition filed by the petitioner has been dismissed only on the ground of seriousness of the offence. At the end, learned senior counsel for the petitioner contends that maximum sentence for offence punishable under Section 384 IPC is three years and Section 389 IPC is bailable. The petitioner is in custody for the last one year and co-accused of the petitioner has already been released on regular bail.

Learned counsel for respondent-State has opposed the submissions made by learned senior counsel for the petitioner and contends that the allegations are there against the petitioner that he has framed the complainant in a false case with the help of co-accused and received an amount of Rs. 2 lacs, which was recovered from him. Learned State counsel also contends that the bailable and non-bailable offences cannot be segregated at the time of consideration of bail and the petitioner does not deserve the concession of regular bail.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on file.

The petitioner cannot claim parity with co-accused-Deepika, who has been released on regular bail vide order dated 22.3.2018. It is

mentioned in the order of co-accused that recovery was effected from the present petitioner. Co-accused-Deepika was the author of FIR No. 586 dated 14.11.2017 registered under Sections 354,363,366,376,506 IPC at Police Station Pehowa, District Kurkshetra against brother of the complainant. The allegations against the petitioner are that he in connivance with Deepika received hefty amount to retrace in a pending case. It was also specifically mentioned that allegations of extortion are there against the present petitioner as number of calls were there with the present petitioner. It was also observed that it would be debatable as to the role of the petitioner in connivance with the co-accused in the context of extorting the amount from the complainant.

Accordingly by considering the custody of the petitioner as well as the fact that serious allegations are there against him and he is the main accused, no ground is made out to release him on regular bail. Accordingly, the present petition being devoid of any merit is hereby dismissed

February 11, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No