

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

**CRM-M-21057-2019
Date of decision: 15.05.2019**

Neha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 93 dated 05.02.2019, registered under Sections 384, 389 and 120-B of the IPC at Police Station Civil Lines, Karnal, District Karnal.

Learned counsel for the petitioner relies upon order dated 04.04.2019, passed by this Court in CRM-M-14700-2019, vide which co-accused Deepak Sharma was granted concession of regular by passing the following order:

“Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered by one Mehar Singh, it is stated that he is resident of village Pucca Khera, Tehsil Asandh, District Karnal and has a cousin sister namely Sunita, who is married in village Pundrak and the daughter of Sunita namely Aarti is married in village Alampur, District Kurukshetra and the son of Aarti is married in Pipli with one Neha. On 23.10.2018, Neha ran away with her lover namely Subham resident of Pipli and returned back after 2 ½ months. Parveen is an employee in Haryana Police and had got the case registered against Neha. Thereafter, Neha threatened him to involve him in a case and on

10.01.2019, she got an FIR No.15 registered under Sections 354, 354-D, 376(2)(N) IPC in Police Station Sadar Thanesar. In this connection, the complainant had met the family members of Neha, who informed him that this false case is registered by Neha on the asking of her lover – Subham and she is out of their control. When the complainant talked to Neha about this case, she stated that she has made the statement on the asking of her Lawyer and she will take further action as per the consultation with the Advocate and you may talk to her Lawyer namely Deepak Sharma (the present petitioner), who is a practicing Lawyer at District Courts, Kurukshetra. When the complainant contacted the present petitioner, he demanded Rs.7 lacs for cancellation of the case and further stated that he will get the statement of Neha recorded before the arrest of Parveen. Thereafter, in his presence, the petitioner made a phone call to Neha, in which there was a demand of money. Counsel for the petitioner has further submitted that the petitioner is in custody for the last 01 month and 28 days and his further custodial interrogation is not required as the investigation is complete qua him. It is further argued that Neha is also arrested on 22.04.2019 and the petitioner has been falsely implicated in this case, just because he was representing her in the capacity of an Advocate. Counsel appearing for the complainant has, however, submitted that the petitioner is involved in 03 other FIRs as noticed in the order of the Additional Sessions Judge dated 20.03.2019, however counsel for the State has submitted that the petitioner is not involved in the said 03 FIRs as he is not nominated as an accused. Counsel for the State, on instructions from SI Manjoor Ali, has not disputed the fact that the investigation qua the present petitioner is complete and challan is likely to be presented. Without commenting anything on merits of the case, considering the fact that the petitioner is an Advocate and he has no direct role in the family dispute of the complainant; the accused – Neha and he (the present petitioner) have been involved only on the allegations that he i.e. the petitioner had demanded some money for settling the case and also in view of the fact that the investigation qua the present petitioner is complete; he is in custody for the last 01 month and 28 days and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Learned counsel for the petitioner further submits that no

recovery was effected from the petitioner and the petitioner is in judicial custody since 05.04.2019 and she is no more required for any further custodial investigation.

Learned State counsel, on instructions from SI Manjoor Ali, could not dispute the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that co-accused Deepak Sharma, from whom the recovery was effected, has already been granted concession of regular bail as noticed above and also in view of the fact that trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case she is found involved in any other case or misusing the concession of bail, in any manner.

15.05.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No