

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

CRM-M-41888-2019 (O&M)

Date of Decision:- 15.10.2019

Ravinder @ Dr. Ravinder

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bahl, Senior Advocate with
Mr. Parvinder Singh, Advocate and
Ms. Drishtana Singh, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

Mr. D.S.Matya, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner Ravinder @ Dr. Ravinder has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.484 dated 8.8.2019 under Sections 363/376D/506 IPC at Police Station City Sohna, District Gurugram.
2. The FIR was registered at the instance of Noorjahan wherein it has been alleged that she is a nurse assistant and had approached Dr. Hukam Chand, who represented that he would get her employed in some good hospital. It is alleged that on 7.8.2019 at about 7-8 p.m., said Dr. Hukam Chand spoke to the complainant telephonically asking her to come to Sohna. When the complainant reached Sohna chowk, said Dr. Hukam Chand made her sit on his motorcycle and told her to sit quietly while issuing a threat to kill her and then started rubbing his hands on her thighs. Upon the complainant

objecting to the same, said Dr. Hukam Chand again threatened her and told her that he was having a weapon and would kill her. The complainant, being scared, accompanied him who took her to another person who was having a white coloured Alto car and they then took the complainant to fifth floor of Central Park No.II and then after consuming liquor, they raped the complainant and also prepared her video. It is alleged that the said persons further threatened her not to disclose about the incident to anybody failing which they would upload the video on social media.

3. The learned counsel for the petitioner has submitted that the complainant is a matured lady, aged about 40 years, and it is highly unlikely that the complainant despite being threatened and molested did not raise any alarm, although she was driven around the city on a motor-cycle and car for about 30-40 Kms. The learned counsel for the petitioner has further submitted that infact the complainant was trying to blackmail and extort money from the accused and regarding which son of the co-accused Hukam Chand had got lodged FIR No.485 on 9.8.2019 under Sections 120-B/384/388 IPC at Police Station Sohna, District Gurugram (Annexure P-3). The learned counsel for the petitioner has further submitted that pursuant to lodging of the FIR, a trap was laid and the complainant was caught red-handed while accepting an amount of ₹ 13 lacs in cash, apart from a cheque. The learned counsel, in this regard has referred to a copy of reply filed by the State in bail application filed by the complainant Noorjahan seeking grant of bail in FIR No.485 on 9.8.2019 under Sections 120-B/384/388 IPC at Police Station City Sohna, District Gurugram which has been lodged at the instance of Abhishek, son of co-accused Hukam Chand.

4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that infact it is a case where the police is all out to help the accused and false evidence is being created. It has further been submitted that the alleged recovery of ₹ 13 lacs from the complainant was simply foisted upon the complainant and was never demanded or accepted by the complainant.
5. I have considered rival submissions addressed before this Court. A perusal of reply (Annexure P-4) filed by the State to the bail application filed by the complainant Noorjahan and her daughter in FIR No.485 dated 9.8.2019 does show that the State has categorically stated therein regarding recovery of amount of ₹ 13 lacs from the complainant and that the recovered currency notes were the same on which the Investigating Officer had affixed his short signatures. The relevant extract from the said reply reads as follows :-

“During the course of investigation, complainant in the present case was left at Tavdu Road, Sohna after issuing requisite directions/instructions to him and after some time, the accused Noorjahan, Razia Bano, Mazit and Abdul Karim as mentioned above came and received an amount of Rs.13 lakhs in cash and one-two lakhs of rupees in the form of cheque from the complainant Abhishek against/for changing statement as regards FIR No.484 dated 8.8.2019, u/s 363, 376D, 506 IPC, Police Station City Sohna and the same were recovered from the aforesaid accused. Out of this amount, there exist short signatures of the Incharge Officer Sh.Arvind Kumar INSP/SO on one bundle of currency notes of the denomination of Rs.2000-2000, which consists of 100 notes and apart from this there are 281 currency notes of the denomination of Rs.2000-2000 and 1076 currency notes of the denomination of Rs.500-500/- and the total amount

comes to Rs.13,00,000/- and a cheque bearing No.847970 of the amount of rupees one-two lakhs pertaining to the account No.833200301000026 was found in the hands of Noorjahan. A recovery memo as regards cash amount of Rs.13 lakhs and cheque amounting to Rs.2 lakhs was prepared, on which the accused and the witnesses appended their respective signatures.”

6. The aforestated position would create some kind of doubt as regards the veracity of allegations levelled in the FIR although the complainant may also be able to explain the same. Bearing the aforestated position in mind and while refraining from making any further expression on merits of the case, in my opinion, the present case is not such which would warrant custodial interrogation.
7. The petition, as such, is accepted and it is ordered that the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

15.10.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No