

S.No.212

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

CRM-M-12801 of 2020 (O&M)

Date of Decision:03.06.2020

Rakesh KumarPetitioner

Vs.

State of HaryanaRespondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Partap Singh, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

CRM No.11021 of 2020

Application is allowed as prayed for.

CRM-M-12801 of 2020

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.274 dated 03.03.2020 registered under Section 376, 452 IPC at Police Station Thanesar, City District Kurukshetra.

It is contended by counsel for the petitioner that the case against the petitioner is totally fabricated; as a measure of blackmail. Otherwise, the petitioner is not involved in any activity as alleged in the FIR. In fact, the prosecutrix is of age of 25 years and is a widow. She is running a beauty parlour. The petitioner is doing business of finance. The prosecutrix had taken loan from the petitioner and had given him the cheque for return of the same. However, the cheque had also bounced. When the petitioner pressed for return of the money, the prosecutrix has concocted the

story in the present FIR. The falsity of the case is clarified by the fact that initially the prosecutrix had stated that she was raped at her house, whereas, subsequently she has changed the version and has stated that the incident had happened at her beauty parlour. Still further, it is submitted that since the prosecutrix had lodged the FIR just to extract money from the petitioner, therefore, during a conversation on mobile phone, she had demanded Rs.10 lakhs from the petitioner. The said conversation was recorded and shown to the Police. Consequently, an FIR has been registered against the prosecutrix herself for attempting extraction of money from the petitioner. The petitioner is in custody since 04.03.2020. The petitioner is not required for any investigation purpose.

Notice of motion.

Mr. Anmol Malik, AAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, on instructions from SI Pawandeep Kaur, has vehemently contested the bail application. It is submitted by the counsel that the petitioner has specifically been named by the prosecutrix. Although there has been variation in the version of the prosecutrix over the place of occurrence, however, that would be a moot point which the prosecution would clarify during the trial. However, it is not disputed that there is a cheque which was issued by the prosecutrix and which had bounced before registration of the FIR. It is also not disputed that on account of demand of money by the prosecutrix from the petitioner, an FIR has been lodged against the prosecutrix and her family.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. The applicant- petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the concerned trial Court/ Duty Magistrate.

June 03, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No