

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

CRM-M-27377-2020

Date of decision : 16.09.2020

Kashmir Kaur @ Raj

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

SANT PARKASH, J.

The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.106 dated 31.07.2020 under Sections 364, 380, 506, 120B of IPC and Section 66-A of Information Technology Act, 2000, registered at Police Station Haryana, District Hoshiarpur.

As per the case of the prosecution, the complainant was having extra marital affairs with the petitioner with their own free will. The husband of the petitioner was residing away. He got suspicious and requested his friend Rajinder to keep watch on the activities of the petitioner. The petitioner and the complainant were caught red handed on 31.07.2020.

Learned counsel for the petitioner submits that it is a case of extra material affairs between the petitioner and the complainant and when

the matter came to the notice of the relatives, the complainant came up with the new story that he has been kidnapped and his movie has been prepared and viraled. He further submits that no offence under Section 386 of IPC is made out as there is no evidence with the complainant which could suggest that the petitioner or any of her relatives had withdrawn any money from his account. The petitioner is in custody since 31.07.2020.

Per contra, learned State counsel has opposed the petition while contending that the the allegations are serious in nature.

After having heard the learned counsel for the parties and perusing the case file, this Court is of the considered opinion that the present petitioner is entitled to the concession of regular bail. Admittedly, the present petitioner was having intimate relationship with the complainant, namely, Ashok Chaudhary. There is no denial of the fact that the complainant himself had gone to the place of occurrence and he was alleged to have been blackmailed by making a video. The learned Lower Court has rightly observed that the ingredients of Section 364 Cr.P.C. are not attracted at this stage, but has declined the bail, merely on the ground that the allegations are very serious.

The investigation has already been completed and the petitioner is not required for any further investigation. Accordingly, the present petition is allowed. Petitioner, namely, Kashmir Kaur @ Raj is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(SANT PARKASH)
JUDGE

16.09.2020
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No