

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 213

CRM-M-36356-2020

Date of decision : 12.11.2020

Rinku

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Arshit Goel, Advocate, for the petitioner.

Mr.H.S.Sitta, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.106 dated 31.07.2020, registered under Sections 364, 386, 506 and 120-B IPC and Section 66-A of the Information Technology Act, 2000, at Police Station Hariana, district Hoshiarpur.

The case of the prosecution is that on 30.07.2020 Kashmir Kaur @ Raj gave a telephone call to the complainant Ashok Kumar Chaudhary and asked him to meet her near Century Plywood Factory where he went in his car; they then went to a rented house in the fields at village Bassi Kasse; after having intimate talks she removed his clothes as also her's; in the meanwhile Rinku-the petitioner prepared a video on her mobile phone and on the basis thereof blackmailed the complainant.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; she has been in custody since 31.07.2020; she is not involved in any other criminal case; co-accused Kashmir Kaur @ Raj has already been granted bail by this Court; the alleged video taken by the petitioner has not been recovered; report under

Section 173 Cr.P.C. has already been filed and therefore she is not in a position to influence the investigation and that the trial which is yet to commence will take a long time to conclude.

Learned State counsel though admits to the non-recovery of the alleged video from the petitioner; the period of her incarceration; filing of the report under Section 173 Cr.P.C.; non-involvement of the petitioner in any other criminal case and the bail granted by this Court to co-accused Kashmir Kaur @ Raj but opposes the grant of bail to the petitioner on the ground that she is alleged to have made a video of the complainant when he was in a compromising position and on the basis thereof blackmailed him.

After considering the totality of the above facts especially that the petitioner is in custody since 31.07.2020; she is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore she is not in a position to influence the investigation; co-accused Kashmir Kaur @ Raj has already been granted regular bail by this Court and that the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

12.11.2020

shamsher

[DEEPAK SIBAL]

JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No