

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M- 47438 of 2019 (O&M)
Date of decision : 17.1.2020

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Madhu @ Shivangi

.....Petitioner

vs.

State of Haryana

.....Respondent

2) CRM-M- 54440 of 2019 (O&M)

...

Rekha

.....Petitioner

vs.

State of Haryana

.....Respondent

3) CRM-M- 489 of 2020 (O&M)

...

Saina

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr.S.K. Kaushik Advocate for the petitioner
in CRM-M-47438-2019

Mr.A.D.S. Sukhija, Advocate for the petitioner
in CRM-M-54440-2019 & CRM-M-489-2020.

Ms. Dimple Jain, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Vide this order, I intend to dispose of three petitions, bearing CRM-M- 47438 of 2019 titled as 'Madhu @ Shivangi vs. State of Haryana' filed by the petitioner-Madhu @ Shivangi, CRM-M- 54440 of 2019 titled as 'Rekha vs. State of Haryana' filed by the petitioner-Rekha and CRM-M- 489 of 2020 titled as 'Saina vs. State of Haryana' filed by the petitioner-Saina, for grant of regular bail, in FIR No. 575 dated 16.9.2019, for offences under Sections 384, 389 & 34 IPC registered at Police Station DLF, Sector 29, Gurugram.

Briefly stated, facts of the case as per the prosecution story are that complainant Sandeep Kumar, resident of village Chakarpur, Gurugram, had submitted a written complaint addressed to SHO, Police Station Sector 29, Gurugram, wherein he stated that about 2 ½ years earlier he had gone to Sydney Cafe at Sahara Mall, M.G. Road, where he came across a girl by the name of Madhu. They got acquainted with each other and said Madhu invited him to her house in Chakarpur on the birthday of her son. After the party was over, husband of Madhu went out of the house in connection with some work, whereas Madhu asked the complainant to stay there for the night. Accordingly the complainant stayed there and Madhu developed physical relations with him. In the morning the complainant went to his house at Rajasthan. Thereafter Madhu started

blackmailing the complainant alleging that he had forcibly developed relations with her. As such she would get a case registered against him, unless he paid Rs.25 lacs to her. The complainant parted with the money under that threat on several occasions. Nevertheless Madhu kept on blackmailing the complainant. Madhu had been demanding money through her friend Rekha. Saina a friend of Madhu was also in league with them. Rekha demanded Rs.25 lacs from the complainant. The complainant stated that he was in possession of Rs.5 lacs only. Rekha asked him to come to Laser Valley park at 5.00 P.M. with that amount. The complainant reported the matter to the police and produced currency notes worth Rs.5 lacs before the police. Then a trap was laid. Three girls came in auto-rickshaw. While the money was in the process of being handed over in a sweet box to three girls, particularly to Saina, on being given signal, the police came and conducted a raid. All the three girls were arrested in this case on 16.9.2019 and recovery was effected from them. On being asked, they disclosed their names as Madhu, Rekha and Saina.

On completion of investigation and other formalities, challan has been filed against them in the Court, which is stated to be at initial stage in as much as charge has been framed but no PWs have been examined so far.

All the three accused had approached the Court of Sessions seeking grant of regular bail, but were unsuccessful there. Therefore, they have approached this Court with similar request. Such request is being opposed by the State counsel.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

On being asked, State counsel has informed that none of the three petitioners has got a past criminal record.

The trial is at preliminary state. Its conclusion is likely to take some time. It would be proper and appropriate, if the concession of bail is granted to them.

Accordingly, all the three petitions bearing CRM-M- 47438 of 2019, CRM-M- 54440 of 2019 and CRM-M- 489 of 2020, are accepted. Petitioners – Madhu @ Shivangi, Rekha and Saina, are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Gurugram. However, it is made clear that in case the petitioners are found indulging in any criminal act after being granted bail by this Court, this order shall be liable to be withdrawn.

17.1.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No