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

CRM-M No.2287 of 2021 (O&M)

Date of decision: 16.03.2021

Sarita

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sandeep Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.150 dated 16.09.2020, for offence punishable under Sections 306, 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Buria, District Yamuna Nagar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Anuj Kumar, it is stated that his brother Deepak @ Sanju was married and having 02 children and he came in contact with the petitioner – Sarita and later on, the petitioner and her friends Vijay @ Rinku, Sonu Verma and Sachin (brother of Sarita) started blackmailing him and threatened him to implicate in a false case. Thereafter, by preparing a video on account of the harassment caused by the accused persons, which he sent to co-

accused Vijay @ Rinku, committed suicide on 13.09.2020 by jumping in Yamuna Canal.

Counsel for the petitioner has further submitted that the dead body was recovered on 15.09.2020 and later on, the FIR was registered. It is further submitted that in fact, the petitioner, who is an unmarried lady and was working as a Nurse in a hospital, came in contact with the deceased – Deepak @ Sanju, who pretending himself to be an unmarried person and proposed for his marriage by suppressing this fact that he is already married and having 02 children. Thereafter, on coming to know the fact that the deceased was already married person, the petitioner stopped meeting him or attending his phone calls and on that pretext, the deceased started making scene. Even on 11.09.2020, when the petitioner, who was working in Kapil Hospital, Jagadhri, was coming home, the deceased was present outside the hospital in a car and forced the petitioner to sit in the car. This incident was also recorded in the CCTV footage, installed outside the hospital and the petitioner scolded the deceased.

Counsel for the petitioner has further argued that the petitioner has made efforts to make the deceased Deepak @ Sanju understand that he should avoid meeting her and should take care of his wife and kids but in order to blackmail the petitioner, the deceased Deepak @ Sanju prepared a video in which he recorded that he will commit suicide. The said video was sent at 03:44 PM by the deceased – Deepak @ Sanju to the co-accused Vijay @ Rinku on his mobile number and thereafter, he sent a message that Vijay @ Rinku should send this video to the petitioner Sarita. Thereafter, the petitioner

received the said video through co-accused Vijay @ Rinku and on receiving such information, the petitioner even tried to contact the wife of the deceased in order to tell her that she should make Deepak @ Sanju understand that he should not follow her. Later on, the deceased committed suicide, therefore, in view of the events explained above, there was no occasion for the petitioner to abet the deceased Deepak @ Sanju to commit suicide.

Counsel for the petitioner has further submitted that the petitioner is in judicial custody for the last about 05 months and 20 days and challan stands presented against the petitioner as well as the co-accused Vijay @ Rinku.

Counsel for the State on the basis of the Custody Certificate as well as the reply by way of affidavit of the Deputy Superintendent of Police, Yamuna Nagar, has not disputed the factual position but opposed the prayer for bail. It is further submitted that as per the investigation, the petitioner Sarita and the co-accused Vijay @ Rinku, stands arrested, however, 02 of the co-accused of the petitioner namely Sonu Verma and Sachin, are yet to be arrested. It is also submitted that challan stands presented against the petitioner.

Counsel for the complainant has, however, opposed the prayer for bail on the ground that there are direct allegations against the petitioner that she was in contact with the deceased and was trying to blackmail him.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the allegations and counter-allegations, it will be for the trial Court to decide whether it

was the petitioner, who was blackmailing the deceased or it was the deceased, who when discarded by the petitioner and stopped meeting him was, in fact, stalking her and harassing her as in the CCTV footage, recorded just one day prior to the incident, the deceased was seen following the petitioner and also in view of the fact that the petitioner is in custody for the last about 05 months and 20 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case she is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.03.2021

yakub

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