

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

CRM-M-19063 of 2021

DECIDED ON: 5th August, 2021

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.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Narinder S. Lucky, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

Mr. Manpreet Singh, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking regular bail in case of FIR No. 169 dated 6.12.2020 under Section 384 IPC, 1860 registered at Police Station Majitha Road, District Amritsar.

FIR was registered on the statement of Jaswinder Singh son of Harbans Singh. As per the allegations, the daughter of the complainant created a Snap Chat ID, the petitioner became her friend. The daughter of the complainant was mentally harassed and she was forced to pay money. She paid some amount but later when she refused to give further money, the accused (petitioner) asked for an ATM card and also inquired as to whether there is any jewellery at home. The daughter of the complainant gave ATM

and pin number. The accused withdrew Rs.25,000/-. In all Rs. 1,00,000/- was taken from the daughter of the complainant. The age of victim was 15 years. It all came to light when on 14.6.2020 Rs.25,000/- was withdrawn from account and wife of the complainant got message. Family started searching the ATM card then the victim narrated entire story.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.12.2020, investigation is complete and matter has been compromised by the parties. Contention is that the petitioner at the most can be sentenced for imprisonment for 3 years or fine or both. Learned counsel relies upon judgment of Supreme Court in *Narinder Singh and others Versus State of Punjab and another, 2014(6) SCC 466*, submitting that it is a case where compromise quashing is possible.

Learned State counsel opposes the prayer for grant of bail. She on instructions from ASI Gurinderjit Singh submits that it is second bail petition, earlier application was withdrawn in April, 2021. The contention is that the victim is of tender age, the allegations are serious, money was extorted by harassing the minor.

Learned counsel for complainant has no objection if the bail is granted to the petitioner.

The allegations against the petitioner are serious. As per the case set up, a tender aged minor was harassed, made to pay money and there was even query by petitioner with regard to where the jewellery lying at home. The bail cannot be granted merely on the ground that the complainant has no objection to grant of bail. The veracity of compromise is yet to be tested.

Considering that the complainant is the father of a minor girl, her future and reputation is at stake, it would not be appropriate at this stage to enlarge petitioner on bail relying upon compromise. The victim and complainant are yet to be examined. The reliance on the judgment of the Supreme Court in **Narinder Singh's case (supra)** is of no help. The issue in hand is of grant of bail and not quashing of FIR.

Dismissed.

5th August, 2021
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>