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

CRM-M-37789-2020

Date of Decision: 05.01.2021

Sabnam @ Sabita
Vs.

.. Petitioner

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gautam Dutt, Advocate for the petitioner.
Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.0079 dated 03.03.2020 registered under Sections 379-A, 384 and 34 IPC, 1860 at Police Station City Nuh, District Nuh. The petitioner is in custody since her arrest on 04.03.2020.

The FIR was registered on the basis of complaint given by Mahesh Kumar and the allegations as noticed by the Addl. Sessions Judge, Nuh in the order dated 12.06.2020 are as under:

“Brief facts of the case of the prosecution is that on 03.03.2020 Mahesh Kumar presented written complaint with facts that he was having talks with a girl named Sabnam for last one year, on a proposal of friendship. Now in the recent time, she asked him to come for shopping with her at Nuh market. On 01.03.2020, in the evening 7.30/8.00 pm Sabnam called him asking him to join her over dinner and when he reached the place, he met Sabnam and two more persons. They robbed him of his driving license, ATM Card, phone and other personal belongings and demanded Rs.1 lakh failing which he will be involved in false case. Complainant is a driver in Haryana Roadways and got frightened. Later under pressure of Sabnam, he promised to deliver Rs.40-50 thousand and in the meantime contacted police by this complaint. Police prepared a raiding team and apprehended the place and from there the lady Sabnam along with one

person named Tofiq were arrested. On search, the personal documents of the complainant was recovered from them. Now FIR was registered.”

Learned counsel for the petitioner has argued that the investigation of the case is complete and despite framing of charges on 12.05.2020, no prosecution witness has been examined so far. He submits that the petitioner is presently confined in judicial custody after her arrest on 04.03.2020, therefore, her further custody may not be justified, as the trial is likely to consume considerable time.

On the other hand, the prayer is opposed by learned State counsel assisted by SI Ramesh Chand on the ground that the petitioner along with the co-accused blackmailed the complainant (victim) and forced him to pay them in order to avoid false implication in a criminal case. He further states that the prosecution is yet to examine its witnesses and the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Nuh.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

05.01.2021
Jasmine Kaur

Whether speaking/reasoned
Whether reportable

Yes No
Yes No