

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.45587 of 2021
Date of Decision: 10.11.2021

Simran alias Sunita and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Kewal Singh.

Mr. Peeush Gagneja, Advocate,
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0097 dated 25.09.2021 at Police Station Khui Khera, District Fazilka under Sections 384, 506, 34 IPC, 1860.

2. Status report by way of affidavit of Jora Singh, PPS, Deputy Superintendent of Police, Sub-Division Fazilka, District Fazilka on behalf of respondent No.1-State of Punjab has been filed by learned State counsel today in Court which is taken on record.

3. The FIR was lodged at the instance of Om Parkash where it is alleged that his younger brother Harbans Lal and his wife had expired about one and a half year ago and that their son Rajan aged about 26-27 years moved to Abohar after selling his property in the village Balluana where he was carrying on finance business. It is stated therein that Rajan rarely used to visit him but used to discuss his problems with him. Since his nephew was

usually remaining sad, he inquired about the reason for the same but his

nephew did not disclose anything. Subsequently on 31.08.2021, his nephew sent a video in which he was seen crying and stated that he had been harassed by Simran alias Sunita and her husband Gurjeewan Singh, Suman wife of Gurpreet Singh, Aman wife of Chhinda, Raj Kaur wife of Pritam Singh and paternal aunt of Simran namely Seetu. It is alleged that Rajan in the said video disclosed that the said persons had grabbed all the amount in respect of his property by way of blackmailing him and when he demanded the same from them, the said persons threatened him to get him involved in false cases. Rajan further stated in the said video that being fed up by the said harassment, he was going to commit suicide by jumping into Gang Canal. It is further alleged that although the complainant had been making efforts to trace his nephew but he could not be traced.

4. Learned counsel for the petitioners submitted that vague allegations have been levelled in the FIR and that there is no description as to how and in what manner aforesaid Rajan had been harassed by the petitioners. Learned counsel has submitted that apparently he was under some kind of depression which was perhaps on account of having suffered losses in his finance business.

5. Opposing the petition, learned State counsel assisted by counsel for the complainant has submitted that since the petitioners are specifically named in the FIR and there are allegations to the effect that the aforesaid Rajan was being harassed by them, no case for grant of bail is made out.

6. Learned counsel for the complainant has further submitted that since the whereabouts of the aforesaid Rajan are not known till date, it is evident that the petitioners and other accused had eliminated him after usurping his amount.

7. I have considered rival submissions addressed before this Court. A perusal of the FIR shows that there are general and vague allegations against the petitioners regarding they having blackmailed the nephew of the complainant and having extended threats. There is no evidence with the police except for the alleged video which Rajan had sent to his uncle which is stated to contain some kind of statement made by aforesaid Rajan regarding his harassment.

8. Having regard to the aforesaid facts and circumstances, especially the fact that there is no definite evidence against the petitioners, this Court is of the opinion that it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and it is ordered that the petitioners, in the event of arrest, be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

10.11.2021
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No