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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.42718 of 2020
Date of Decision: 19.03.2021

SARINA ......Petitioner

Vs

STATE OF PUNJAB .....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

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<u>RAJ MOHAN SINGH, J.(Oral)</u>

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.21 dated 28.09.2018, registered under Sections 420, 506 IPC and Sections 376, 389 IPC and Sections 3 and 4 of the POCSO Act, 2012 added later on at Police Station NRI, District Ludhiana.

Petitioner is a girl of 22 years of age and is sister of Rohit, whose marriage was solemnized with the complainant. The marriage between Rohit and the complainant was registered on 17.08.2017. According to the prosecution case, the complainant-Amanjot Kaur alleged that she is living in Canada on student visa. Petitioner came into contact with the complainant, when she was taking tuition of 11th and 12th class. Brother of petitioner namely Rohit also came in contact with the complainant. They were having good family relations. Brother of petitioner started joking with the complainant by using filthy language, which was not relished by the complainant.

On 18.12.2015, when the complainant was at the age of 17 years, petitioner celebrated her birthday and the complainant went to her house at 3.00 P.M., but none was present there. On being asked, the petitioner told her that they would celebrate her birthday somewhere else. Cake ceremony was performed at the house by the petitioner and her brother Rohit and cold drink was served to the complainant. After consuming the cold drink, she became unconscious. Thereafter she came to know that some bad act had been committed with her. Rohit committed foul play with her. Rohit prepared some photographs of her in some objectionable position in his mobile phone. Rohit started blackmailing her. Rohit kept on committing bad act with the complainant without her consent by way of blackmailing her. The complainant did ILETS and left for Canada on 02.09.2016.

The petitioner and her brother Rohit continued to blackmail her. The complainant was doing part time job in Canada and then sent 1000 dollars to Rohit on 09.09.2016 and on different dates sent 786 dollars, 200 dollars, 100 dollars, 239 dollars on different dates to Rohit. In this way, she sent about Rs.2 lakhs to Rohit till date. The complainant repeatedly asked Rohit and the petitioner to delete the video and her photographs, whereupon Rohit asked her to come to India and he will hand over all the videos and photographs to her and will delete the same for all times to come. The complainant came to India on 14.08.2017. She was to go back within one day. Petitioner and her brother Rohit came to Airport, where the complainant asked them to delete the photographs and video. Rohit confessed her mistakes and explained to the complainant that he had already deleted the videos and photographs from the mobile phone and further proposed to marry her. The complainant became ready and solemnized marriage with Rohit under the hope that her family will be protected and she would get due status of wife. Rohit took her to Ghaziabad and thereafter to some temple and after taking photographs, took a certificate from a priest and their marriage was registered in the absence of parents of both the sides. After some time, the complainant left for Canada on 27.08.2017. Rohit pressurized the complainant to sponsor his candidature to Canada on spouse Visa, but the complainant could not do so. Rohit started abusing her as well as her family members, besides giving threats as well. The situation aggravated between them and the complainant stopped attending the phone calls of Rohit and his sister.

At present brother of the petitioner is living in New Zealand and the complainant is living in Canada. The allegations against the petitioner are that she being real sister of Rohit played active role in commission of alleged offence prior to solemnization of marriage and even after marriage she is recipient of hefty amount from the complainant.

Vide order dated 14.01.2021, learned State counsel sought time to have instructions whether money sent by the complainant was ever credited in the account of the petitioner or not.

In compliance of the aforesaid order, reply by way of affidavit of Ramninder Singh, PPS, DSP, NRI Wing, Ludhiana on behalf of respondent/State has been filed, wherein factum of sending money to Rohit has been mentioned.

As per para no.9 of the reply, an amount of Rs.3500/- has been received by the petitioner from the complainant on 30.11.2017 i.e. 79.85 canadian dollars. The said amount was sent by the complainant through Money Exchange by using ID of the petitioner. No amount was deposited in the bank account of the petitioner by the complainant.

Petitioner is a young girl of 22 years of age. The difference, if any, is between brother of the petitioner, who is living in New Zealand and the complainant, who is living in Canada. Petitioner is in custody since 02.12.2020. Challan has already been presented, but charges have not been framed so far.

Keeping in view the aforesaid facts and circumstances of the case and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

March 19, 2021
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No