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

**CRM No.7950 of 2021 in/and
CRM-M No.43459 of 2020
Date of Decision: 19.03.2021**

SANTOSH ALIAS SANGEETA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. J.S. Khiva, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

CRM No.7950 of 2021

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

This is an application under Section 482 Cr.P.C. for placing on record the compromise dated 17.02.2011 executed between Rohit Upadhyay and Harish Kumar at one hand and the petitioner on the other hand.

The applicant-petitioner has also prayed for

impleadment of complainant as party respondent No.2.

Notice of this application.

At this stage, Mr. J.S. Khiva, Advocate for the complainant appears on behalf of the complainant/respondent No.2 and admits the factum of compromise between the parties on 17.02.2021, vide which the complainant-party has resolved not to take any action against the petitioner in the context of present case.

In view of aforesaid, the application is allowed. Accompanying document (Annexure P-1) along with amended memo of parties is ordered to be taken on record, subject to all just exceptions.

Main case

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.244 dated 24.08.2019, registered under Sections 34, 365 IPC (wherein offences under Sections 364-A, 379-B, 342, 387, 506, 120-B IPC have been added and Section 34 IPC deleted later on) at Police Station Kheri Pul, District Faridabad.

As per reply filed by the State, the complainant alleged that his father Harish Kumar left the house on 22.08.2019

without informing the family members for undisclosed location. He could not be contacted on mobile phone as the same was found to be switched off. The abductee talked to the complainant on 22.08.2019 at 11.00 P.M. through whatsapp call and told the complainant that he has gone to Chandigarh. On the next date i.e. 23.08.2019 at about 6.00 P.M., the complainant received a call from his father, who directed the complainant to arrange an amount of Rs.7 lakhs from Rattan uncle and someone would contact the complainant to collect the same. The complainant became suspicious and got the present case registered.

The complainant made a supplementary statement to the effect that he had apprehension of kidnapping of his father by the petitioner in connivance with her accompish. On 27.08.2019, the complainant further informed the Police that his father had told that one person named Billu would come at bypass road, Sector 37, Faridabad for collection of ransom of Rs.7 lakhs. The Police swung into action and handed over some papers in the form of bundles of currency notes to the complainant. The person came to receive ransom amount was overpowered by the Police. On identification, he was identified as Nahar Singh @ Billu. The papers made in the form of some bottles of currency notes were recovered from his possession.

The disclosure statement of Nahar Singh @ Billu was recorded by the Police. Before his arrest, the abductee Harish Kumar was released by the accused with a threat to arrange ransom money of Rs.7 lakhs and not to go out from his house till such that time.

Statement of Harish Kumar was also recorded under Section 164 Cr.P.C. Initially the offence under Sections 34 and 365 IPC was recorded, but later on offence in terms of Sections 364-A, 379-B, 342, 387, 506, 120-B IPC were added and Section 34 IPC was deleted. Evidently, no ransom amount was paid. The fake currency notes of Rs.7 lakhs were recovered from Nahar Singh @ Billu.

The factual position of the case could not be disputed by learned State counsel, rather he placed reliance upon the reply in which the aforesaid facts have been recorded. However, he pleaded no instructions in respect of the compromise entered into between the parties.

Since learned counsel for the complainant has appeared and admitted the factum of compromise, therefore, at this stage, without commenting upon the merits of the case, I take notice of intervening circumstances, particularly in the light of the fact that petitioner is a lady and is in custody since 28.01.2020.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her 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.

March 19, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No