

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 3319 of 2022 (O&M)

Date of Decision: 19.5.2022

Sukhpreet Kaur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. G.S.Ghuman, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Akash Bhadana, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

CRM-2474-2022

The application is allowed as prayed for.

CRM-M-3319-2022

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner.
2. In FIR bearing No. 0187 of 6.9.2021, registered at Police Station Tigaon, District Faridabad, offences constituted under Sections 384, 389, 120-B IPC, are embodied.
3. The incriminatory role, assigned to the present petitioner, is that hers making extortionate demands, upon the aggrieved, and, hers also being successful to the extent of hers receiving a sum of Rs. 3.00 lacs in cash, and, thereafter a further a sum of Rs. 1.00 lac, becoming remitted in her accounts.

4. However, prior to the petition FIR, an FIR bearing No. 0367 of 1.9.2020, became registered at Police Station Malviya Nagar, South District, Delhi, wherein offences constituted under Sections 323, 376, 506 IPC, became embodied, and, the above offences became alleged to be committed, by the respondent-victim in the petition FIR. It appears that in respect of the earlier to the petition FIR, a compromise occurred amongst the present petitioner, and, the complainant aggrieved. The above fact is also not resisted by the learned counsel, for the aggrieved complainant, as he makes a vehement dependence, upon a declaration authored by the petitioner, and, as becomes appended as Annexure R-1 with the reply, instituted by the respondent concerned, to the petition at hand.

5. It appears that the sums of money, as became asked to be delivered to the petitioner, by the respondent aggrieved, in the petition FIR, and, or by his relatives, were a sequel of compliances, being asked to be meted by the present petitioner, rather qua her by the respondent concerned, qua the declaration/compromise, as became drawn in respect of the earlier to the petition FIR.

6. If so, the declaration/compromise, as depended upon by the victim/aggrieved in the petition FIR, when does also make it a valid document, and, if any moneys, detailed therein, became either asked to be delivered to the present petitioner, by the latter from the aggrieved or by the latter's relatives, and, even if they became delivered, they cannot prima facie be construed to be extortionate claims, made by the present petitioner, upon the aggrieved victim, in the instant petition.

7. The petitioner is suffering judicial incarceration since 29.12.2021. Given the above, and, also when no evidence is adduced before

this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to regular bail, there is every likelihood of hers fleeing from justice, and, tampering with the prosecution evidence. Therefore, this Court does not deem it fit, and, appropriate to prolong the judicial detention of the bail petitioner, as, thereupon her personal liberty would become unnecessarily fettered, and, curtailed.

8. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody, if not required in any other case. However, the granting of bail to the bail applicant-petitioner, is subject to her furnishing personal and surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to hers not tampering with prosecution evidence, and, hers not influencing prosecution witnesses, and, besides also hers appearing before the trial Court concerned, as and when directed to make her personal appearance, unless validly exempted.

9. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

May 19, 2022
Gurpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No