

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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Date of decision: 19.07.2022

1. CRM-M-15719-2022

HARPREET SINGH

.....Petitioner

Versus

THE STATE OF PUNJAB

.....Respondent

2. CRM-M-3475-2022

SANDEEP KAUR

.....Petitioner

Versus

THE STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Baltej Singh Sidhu, Senior Advocate
with Mr. Divij Datt, Advocate
for the petitioner in case CRM-M-15719-2022.

None for the petitioner in CRM-M-3475-2022

Mr. Bhupender Beniwal, AAG, Punjab
for the respondent-State.

None for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. Since both the petitions arise from a common FIR,
therefore, both the petitions are amenable for a common verdict being
made thereon.

2. The instant petitions have been filed under Section 438
Cr.P.C., wherein, the petitioner(s) seeks the indulgence of this court
for grant of anticipatory bail.

3. FIR No. 02 dated 02.01.2022 is registered at Police Station City-2, Mansa, therein, offences constituted under Section 384 read with Section 34 of the IPC, are embodied.

4. Co-bail petitioner one Harpreet Singh is alleged to introduce Arshdeep Singh to a married lady, inasmuch as, to co-accused Sandeep Kaur. Both Arshdeep Singh, and, co-bail petitioner Sandeep Kaur are alleged to thereafter develop physical relations with each other.

5. On 30.03.2021, Sandeep Kaur instituted a complaint against Arshdeep Singh, before the Senior Superintendent of Police, Mansa, wherein, she made the above allegations against the co-bail petitioner Arshdeep Singh. However, in respect thereof, a compromise occurred, which becomes appended, as Annexure P-5, and, which becomes signed by co-bail petitioner Sandeep Kaur, wherein, she expressed reluctance against the drawings of any further penal action, in respect of her application dated 30.03.2021, as became instituted by her, before the SSP, Mansa.

6. In pursuance to the execution by the co-bail petitioner (supra) of Annexure P-5, a sum of Rs. Five lakhs became received by Sandeep Kaur, from the complainant in the petition FIR.

7. The above received sums of money by Sandeep Kaur, from the complainant in the petition FIR, cannot prima facie acquire any tinge of there's being either an extortionate demand, nor, any parting therewith, to Sandeep Kaur, can be dubbed to be extortionate, as it was a sequel of a compromise drawn, amongst the concerned, whereon, exist the signatures of one Sandeep Kaur. The compromise, which

becomes appended as Annexure P-5, to the petition, was with respect to the purported misdemeanor, of the son of the petition complainant, becoming alleged by Sandeep Kaur, to, molest her, and, if so, unless the application, of 30.03.2021, became compromised, rather through the drawings of Annexure P-5, thereupon, it would have resulted in penal action becoming drawn, against, the son of the petition FIR complainant. If, on the basis of a compromise drawn amongst them, the apposite penal inculcation, as may have been drawable against one Arshdeep Singh, rather became obviated, and, if it sequeled qua some monies being demanded, and, also theirs being received by Sandeep Kaur, thereupon, also, the above cannot prima facie be construed to be having any tinge or colour of either being an extortionate demand, or, extortionate parting therewith, to the concerned.

8. Be that as it may, since the only incriminatory role, assigned to co bail petitioner Harpreet Singh, is that, she had introduced one Arshdeep Singh to Sandeep Kaur, and, also is friend of Sandeep Kaur, but apart therefrom, even if Harpreet Singh had facilitated the drawings of a compromise amongst the concerned, yet unless, she had received a portion of sum of Rs. Five Lakhs from the petition FIR complainant, or from Sandeep Kaur, thereupon, she cannot be construed to be with making extortionate demands, nor obviously receiving any extortionate monies from the father of one Arshdeep Singh. However, evidence qua the above is completely amiss, and, hence negates the ascription qua above.

9. Moreover, and, also when, at this stage, no evidence becomes adduced before this Court by the prosecution, suggestive of

the fact, that in the event of the petitioner(s), becoming admitted to anticipatory bail, there is every likelihood of theirs fleeing from justice, and, or tampering with the prosecution evidence. In consequence, this Court becomes constrained to admit the present petitioner(s) to anticipatory bail.

10. In nutshell, the instant petitions are allowed, and, the order made by this Court on 19.04.2022 in CRM-M-15719-2022, is made absolute on the same terms and conditions.

11. Also, the order made by this Court, on 28.01.2022 in CRM-M-3475-2022, is made absolute, with a condition that the bail applicant-petitioner shall forthwith furnish personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer concerned.

12. Furthermore, the bail applicant-petitioner(s) shall also give an undertaking before the arresting officer, that as and when they are summoned through a written Hukamnama, they shall ensure theirs rendering their cooperation to the investigating officer, and, shall not influence the prosecution witnesses, and, also shall not tamper with the prosecution evidence.

13. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

19.07.2022

kavneet singh

(SURESHWAR THAKUR)
JUDGE

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