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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18158-2022 (O&M)
Date of Decision:31.05.2022

Neeru Bhatia

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Syed Imtiyaz Ali, Advocate for
Mr. Aazam Khan, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.347 dated 23.12.2021 registered under Sections 384, 389, 509, 195, 506, 120-B and 34 IPC at Police Station New Colony, District Gurugram. The petitioner is in custody since her arrest on 03.03.2022.

The FIR was registered on the statement of Meenu Kapoor and the allegations as noticed by the Id. Addl. Sessions Judge, Gurugram in the order dated 09.03.2022 are as under:

“Brief facts of the case of the prosecution are that the complainant Meenu Kapoor presented a complaint before the concerned police to the effect that her two children namely Sanyam Kapoor and Kush Kapoor, who were in search of house in Gurugram, being in job, contacted one lady Neeru Bhatia (applicant-accused) whose number was mentioned on the board of To-let of the house in question. The landlord and the children of the complainant agreed to take the house of the applicant-accused on rent and they have shifted in the said house on 15th October, 2021. After some time accused Ayushi Bhatia (daughter of the applicant-accused) had started calling the son of complainant and after some time one case was got lodged against Sanyam Kapoor (one of the sons of

complainant) under Sections 376, 354C, 323, 506 and 34 IPC on 24.10.2021 in FIR No. 269 dated 24.10.2021. Thereafter, during investigation of said case in FIR No. 269/2021 the son of complainant was found innocent and, thereafter, the present case came into picture. Legal action was sought.”

Learned counsel for the petitioner has argued that as per the allegations in the FIR, the petitioner and her daughter Ayushi Bhatia threatened the complainant to extort money, but while considering the final report in respect of co-accused, namely, Ayushi Bhatia (daughter of the petitioner), the trial Court has specifically observed that the ingredients to constitute the offence punishable under Section 384 IPC are not made out, as no evidence of payment of money or property to the accused is collected. He prays for regular bail.

The prayer is opposed by learned State counsel assisted by ASI Munim Singh on the ground that the petitioner being mother of Ayushi Bhatia adopted the modus operandi to trap the innocent persons and threatened them to implicate in criminal cases on the strength of false evidence and approximately fifteen cases have already been registered at their instance. However, it is not disputed that in the present case, the final report has been filed on 30.04.2022 and the petitioner is confined in judicial custody.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after her arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

31.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No