

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

CRM-M-26219-2022

Date of Decision: 10.6.2022

Rinki

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arun Baali, Advocate and
Mr. Akash Mehta, Advocate, for the petitioner.
Mr. Kirpal Singh, Assistant Advocate General, Haryana.
Mr. Sanjay Vashisth, Advocate, for the complainant.

Rajesh Bhardwaj, J.

Prayer in the present petition is for grant anticipatory bail to the petitioner in a case FIR No.190 dated 5.5.2022 registered under Sections 120-B, 384, 388, 389 IPC, at Police Station SGM Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad.

As per the factual matrix of the case, the present FIR was lodged by the complainant Anil Kumar, wherein, it was alleged that the complainant is a business man and is running Prateek Bharat Gas Agency at B-36, Dabua Colony, Faridabad. Accused Sufia alias Rinki and Sonu alias Mahip trapped the complainant projecting themselves to be in the business of coconut water. Petitioner Rinki got transferred from the complainant Rs.1,50,000/- in favour of her firm being run in the name of M.K. Traders. On asking by the complainant for returning the money, she started threatening him and used to capture his photographs and threatened the complainant making them viral on social media. On 2.5.2022, she asked the complainant to give Rs.50 lacs, failing which she would implicate him in a rape case. The complainant was in possession of call recording of the

accused petitioner. Due to fear of the society and police, the complainant gave her Rs.30 lacs. Her son is also involved in the same. The complainant was blackmailed to sign blank papers for making payment of Rs.50 lacs. On 2.5.2022 having no other option, the complainant lodged the present FIR and request was made to take legal action and to protect him from being blackmailed at the hands of the accused. Apprehending her arrest, the petitioner approached the learned Additional Sessions Judge, Faridabad for the grant of anticipatory bail, who after hearing the parties, declined the same vide order dated 30.5.2022. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the complainant fraudulently solemnized marriage with the petitioner on 8.2.2022 projecting himself to be unmarried. He submits that it was the petitioner, who was trapped by the complainant by projecting himself to be unmarried. He submits that the marriage between the petitioner and the complainant was solemnized at Arya Smaj Mandir. Soon after the marriage, the behaviour of the complainant was changed drastically and he deserted the petitioner. When the complainant did not return, the petitioner went in search of him and came to know that the complainant was already married. On coming to know the same, the petitioner warned the complainant for initiating legal action against him. He has submitted that it is on account of the same, the petitioner has been implicated by the complainant in the present false case. He has submitted that the FIR is nothing but a cock and bull story made by the complainant and hence, the petitioner deserves to be granted pre-arrest bail.

Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner and submitted that the petitioner is a habitual litigant. He has submitted that the petitioner has been changing her names and her religion to her convenience as is evident from her past record. He submits that this is not for the first time the petitioner has alleged her marriage with the petitioner, rather on the earlier occasions as well she had been implicating innocent persons in false relationship of marriage and thereafter blackmailing them. He has drawn the attention of this Court to the judgment dated 21.9.2021 passed by learned Additional Sessions Judge, Fast Track Court, Faridabad, wherein one innocent accused namely, Ritesh Kumar was prosecuted in FIR No.83 dated 31.8.2018 under Sections 376 and 506 IPC, registered at Police Station Women, Sector-16A, Faridabad, in which the petitioner was the prosecutrix. He has further drawn the attention of this Court to the discussions made by the trial Court, wherein the prosecutrix i.e. the present petitioner was said to be a marriage making girl by pressurising the persons. It is also discussed that she performed another marriages as well as per Hindu Rites and Muslim law. It was observed by the trial Court that the petitioner admitted in cross-examination that she was living with one Mosim Khan as his wife. DW-7 Parveen, Data Operator produced the record regarding registration of marriage of prosecutrix i.e. the petitioner with one Lokesh. He submits that the trial Court after observing these things gave a finding that the prosecutrix failed to pass any of the tests of 'sterling witness' and hence, accused Ritesh was acquitted of the charges framed against him. He has submitted that while considering the anticipatory bail application of the petitioner, the learned Additional Sessions Judge, has taken into

consideration the submissions made by the prosecution that the accused petitioner is a blackmailer and in order to grab money, she had performed five marriages with different persons, hence, keeping in view the antecedents she has no case for granting her the anticipatory bail.

Heard.

Evidently, the allegations against the petitioner are serious and specific in nature. As submitted before this Court, the petitioner has also filed FIRs on the earlier occasions as well, which were of the heinous nature. However, the accused was acquitted after a thorough trial. The complicity of the petitioner in the present case, *prima facie*, is for the serious offences. For consideration of pre-arrest bail, the Court is to keep into mind the statutory provisions of Section 438 (1) Cr.P.C. Hon'ble the Apex Court in plethora of judgments also reiterated time and again to take into consideration these parameters like the gravity of the offence, chances of accused tampering with the evidence and probabilities of fleeing from justice etc. Hon'ble the Supreme Court in State represented by CBI Vs. Anil Sharma, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the

custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

Weighing the facts and circumstances of the present case, and on the anvil of statutory parameters, this Court finds that the petitioner do not qualify for invoking the extraordinary jurisdiction in her favour, hence, the present petition being devoid of any merit is, hereby, dismissed.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.6.2022

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No