

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

CRM-M-30489-2022

Date of Decision:-03.08.2022

Ayushi Bhatia.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Azad Khan, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.347 dated 23.12.2021 under Sections 384, 389, 509, 195, 506, 120-B and 34 IPC registered at Police Station New Colony, District Gurugram.

Briefly stated the facts emerging from the record are that the FIR of this case came into being on the basis of a complaint dated 23.12.2021, submitted by Smt. Meenu Kapoor, hereinafter being referred to as the complainant. In her complaint the complainant had stated that she was a resident of Sector-5 Karnal and that her two sons, namely Kushu Kapoor and Sanyam Kapoor, had shifted into a rented accommodation owned by Smt. Neeru Bhatia, the mother of the accused, on 15.10.2021. According to the complainant, thereafter Ms. Ayushi Bhatia'-petitioner, the daughter of Smt. Neeru Bhatia started exchanging messages with her younger son Sanyam Kapoor, and thereafter they also started meeting each other in the parks and malls etc. According to complainant thereafter Ms. Ayushi Bhatia started coercing Sanyam Kapoor to solemnize marriage with

her and when she found that Sanyam Kapoor was not inclined to solemnize marriage with her she started threatening to kill herself. In such circumstances all the above mentioned details were shared by her son Sanyam Kapoor firstly with his elder brother Kushu Kapoor, and then with her. Thereafter she and her husband Ashok Kapoor tried to contact Ms. Ayushi Bhatia, her mother, and one more person namely Narender Yadav who also entered into negotiations and they all threatened them either to solemnize marriage of her son Sanyam Kapoor with Ms. Ayushi Bhatia or pay a huge amount of money. According to the complainant, Ms. Ayushi Bhatia and her mother were involved in the crime of honeytrapping and that seven different cases for the commission of offences punishable under sections 376, 354-A IPC etc. were lodged by Ms. Ayushi Bhatia against various persons. It was also claimed by the complainant that Ms. Ayushi Bhatia and her mother used to honeytrap young boys and then blackmail them for money. It was also revealed by the complainant that Ms. Ayushi Bhatia was pressurizing her son Sanyam Kapoor to enter into marriage despite the fact that on 24.10.2021 she had solemnized marriage with Mahesh Kumar in Arya Samaj Mandir Badshahpur.

The Counsel for the petitioner contends that she is a young girl of the age of 21 years and is a student of BA (Hons.). She has been an ICSC topper of her time. In fact, as she had lost her father as a child many boys of her locality on account of her friendly nature became friendly with her and taking undue advantage of the friendship tried to misuse her. It was in these circumstances, that she had got registered a number of FIRs against various boys and their family members. She had got registered FIR no.269 dated 24.10.2021 under Sections 323, 34, 354C, 376, 506 IPC P.S. DLF, Phase-II, Gurugram, Haryana against Sanyam son of the present complainant. The present FIR had been lodged as a counter to the FIR got registered by the petitioner. He contends that the investigation stands completed and the report under Section 173 (2) Cr.PC was submitted on 19.02.2022 under Sections 384, 389, 509, 195, 506 and 120-B IPC. At the time of framing of charges Section 384 IPC was deleted vide order dated 16.05.2022 (Annexure P-5). In fact, the mother of the petitioner had been granted bail by this Court vide order Annexure P-7. The petitioner is in custody since 29.12.2021. No prosecution witnesses had been examined

and, therefore, the trial is not likely to be concluded in the near future. The petitioner deserve the concession of bail more so when she was a young girl of the age of 21 years.

The Counsel for the complainant has vehemently opposed the bail petition. He contends that as many as 09 FIRs had been got registered by the petitioner-Ayushi Bhatia between September 2020 and November 2021. Four of the Nine FIRs had ended in a cancellation report and initiation of proceedings under Section 182 IPC against the petitioner. In fact in FIR No.269 dated 24.10.2021 under Sections 323, 34, 354C, 376, 506 IPC P.S. DLF, Phase-II, Gurugram, Haryana got registered by the petitioner again Sanyam son of the present complainant a cancellation report was filed and proceedings under Section 182 IPC have been initiated against the petitioner. He contends that the petitioner has a pattern to falsely implicate boys and their family members in offences of rape, outraging the modesty etc. with a view to blackmail them. The seriousness of the allegations do not entitle the petitioner to the grant of bail even though she is a girl of the age of 21 years.

The Counsel for the State while supporting the case of the complainant has also stated that the petitioner is a serial complainant against various boys and their family members and as many as 09 FIRs have been registered at her instance and in four of such FIRs cancellation reports have been submitted and proceedings under Section 182 IPC have been initiated. He contends that the petitioner does not deserve the concession of bail even though the investigation is complete and the petitioner is otherwise in custody since December 2021.

I have heard learned Counsel for both the parties at length.

The allegations against the petitioner are indeed quite serious. The chart placed on record by the counsel for the complainant would clearly show that out of the 09 FIRs got registered by the petitioner 04 have culminated in cancellation reports and appropriate proceedings under Section 182 IPC have been initiated against her. Further two FIRs also have been registered against her at the instance of Meenu Kapur and Mahesh Verma. However, it may be pointed out that the petitioner is a young girl of the age of 21 years. She is in custody since 29.12.2021 and the investigation stands complete. None of the prosecution witnesses have been

examined so far and, therefore, obviously the trial of the present case is not likely to be concluded in near future. As such the further incarceration of the petitioner is not required as she has already undergone a total custody of more than 07 months.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner **Ayushi Bhatia** daughter of late Sh. Amit Bhatia is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

If any attempt whatsoever is made by the petitioner and/or his family members to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 03, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>