

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34362-2021 (O&M)

Date of Decision:- 23.2.2022

Simran Kaur @ Simri

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raman Goklaney, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.241, dated 1.12.2020, Police Station City Fazilka, District Fazilka, under Sections 384, 389, 420, 506 and 120-B IPC.
2. The FIR was lodged at the instance of Kulwinder Singh wherein it is alleged that he is into agriculture and also in business of sale and purchase of buffaloes. It is alleged that about 20-25 days earlier, when he had gone to Miyani Basti, Fazilka, in connection with his business of sale and purchase of buffaloes, he met three ladies who

stated that they wish to sell their buffalo and asked the complainant to have a look at their buffalo. The complainant later came to know about their names as Simran Kaur @ Simri, Mindo and Seema Rani. When the complainant went to Dhani Miyani Basti, Fazilka, to have a look at the buffalo, the said three ladies were accompanied by one more lady namely Sunita but no buffalo was there in the house. The complainant was made to sit on a cot and was offered tea. Seema Rani sat besides him and she tried to build up a conversation. At that point of time, one unknown person aged about 30-32 years came to the spot and confronted the complainant as to why he was sitting with the ladies of the house and alleged that the complainant was having an evil eye on the ladies and threatened to make a video. Rather the complainant was threatened that he would be implicated in some false case of rape and thus a demand of Rs.5 lakhs was raised. It is further alleged that the matter was settled at Rs.1.80 lakhs and the complainant gave an amount of Rs.1.50 lakhs to Mindo etc.

3. Learned counsel for the petitioner submits that she has falsely been implicated in the present case and that there is no evidence to substantiate the allegations levelled against the petitioner. Learned counsel has further submitted that in any case since co-accused Mindo Bai has already been granted bail vide order dated 29.7.2021, the petitioner also deserves the same concession of bail on the grounds of parity particularly when she has already undergone custody of about 14 months.

4. Opposing the petition, learned State counsel has submitted that the petitioner is a seasoned criminal having been involved in four other cases of identical nature and that while she stands acquitted in one, she has been convicted in another case. Learned State counsel has however, not disputed the fact that the petitioner as on date has been behind bars since the last about 14 months. It has been informed that in the present case charges are yet to be framed and that as many as 12 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of 14 months and that the trial has not commenced till date inasmuch as even charges have not been framed so far and while also bearing in mind that an identically situated co-accused namely Mindo Bai has already been granted bail by this Court vide order dated 29.7.2021, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.2.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No