

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

208

CRM-M-33585-2022 (O&M)
Date of decision : 07.12.2022

Ayushi Bhatia

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Gaurav Bansal, Asstt. A.G., Haryana
for the respondent-State.

Mr. Vipul Aggarwal, Advocate
for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.350 dated 29.12.2021 registered under Sections 120-B, 195-A, 34, 384, 389 and 509 of the Indian Penal Code, 1860 at Police Station New Colony, District Gurugram.

The above-said FIR was registered upon the complaint made by Archana Verma alleging that her son-Aman and petitioner-Ayushi Bhatia were friends. On 24.11.2021 the petitioner took her son to the hills near Chander Shekhar Farm and started indulging in obscene activities to which her son objected by saying that it is a public place. The petitioner became angry and started harassing her son. She used to make repeated telephone calls to her son and threatened him by

saying that she would involve him in a false rape case as she had even earlier sent many boys to jail. The petitioner then reached the neighbourhood of the complainant and created scene and asked money for settlement. She was already married with one Mahesh on 24.08.2021 and still she is pressurizing complainant's son to marry with her. The petitioner, her mother and one middle age man also came to the house of the complainant and asked for the settlement amount while threatening that they would file a case of rape.

Learned counsel for petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner and son of complainant were close friends. The son of the complainant took undue advantage of this friendship and had unnatural sex forcefully in pretext of making false promise to marry. The petitioner also file complaint against him on 28.11.2021 at Women's Police Station West Gurugram. The present FIR is nothing but just a counter-blast of the above-said complaint filed by the petitioner. In the present FIR, no amount of money has been quoted either by the petitioner or by anyone from her side and the transaction of not a single penny has been done. As such, Section 384 of the IPC was deleted by learned Additional Sessions Judge, Gurugram vide order dated 16.05.2022. Challan has been presented and charges have been framed. No prosecution witnesses have been examined so far. The petitioner is in custody since 27.01.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel assisted by learned counsel for the complainant has opposed the present petition in terms of status report dated 08.10.2022 filed by way of an affidavit of Sh.Manoj Kumar, HPS, Assistant Commissioner of Police, Udyog Vihar, Gurugram in the Court today which is taken on record. Learned State counsel submits that the petitioner is a habitual of filing complaints against the young boys and their family members. As many as 09 FIRs had been got registered by the petitioner between September 2020 and November 2021. She has a pattern to falsely implicate boys and their family members in offences of rape, outraging the modesty etc. with a motive to blackmail them. Therefore, the petitioner does not deserve concession of regular bail.

I have heard learned counsel for the parties and gone through the paper-book.

As per reply filed by the State, the petitioner has filed as many as 09 FIRs against different persons and out of these 09 cases, in 03 cases proceedings under Section 182 of the IPC have been initiated against the petitioner as the allegations of these FIRs were found to be false. The petitioner is also involved in another case i.e. FIR No.347 dated 23.12.2021 registered under Sections 384, 389, 409, 195, 211, 506, 120-B of the IPC at Police Station New Colony, Gurugram. The petitioner is running racket for extortion of money from the persons against whom the allegations have been made by her.

Keeping in view the facts and circumstances of the case, gravity of the alleged offences and the fact that the petitioner is a habitual of filing cases against different persons but without

commenting upon the merits of the case, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition is dismissed.

07.12.2022

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No