

CRM-M-48495-2022

Date of Decision:29.10.2022

Sheela

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has moved the instant petition under Section 439 Cr.P.C. with a prayer to grant a regular bail in case FIR No.297, dated 27.07.2022, under Sections 384 & 389 of IPC, registered at Police Station Sadar Hansi, District Hansi.

As per the complainant, about 20 days prior to the registration of the FIR, he was going to Hisar from his village on his motorcycle and the petitioner met her on the way and requested him to drop her at Village Chanaut and sat on his motorcycle. While talking on the way, she obtained the mobile number of the complainant and thereafter, both of them started talking to each other. Later on, Suresh, husband of the petitioner told the complainant that he had committed bad act with his wife and he would get a case of rape registered against him. He demanded a sum of Rs.2 lakhs, a motorcycle and a mobile phone from the complainant. Later on, the complainant agreed to pay a sum of Rs.50,000/- to the present petitioner. He approached the police for registration of the case as the petitioner and Suresh wanted to extort money from him, by

extending a threat of getting the case registered under Section 376 of IPC. With these broad allegations, the FIR in the instant case was registered.

Learned counsel for the petitioner submits that she is a household lady and has been falsely implicated in the present case. Even as per the version of the FIR, it was Suresh, who had demanded money from the complainant, however, the complainant colluded with the local police and wrongly framed the petitioner in the instant case. Even the recovery from the petitioner was planted by the police with the help of the complainant. Learned counsel for the petitioner further submits that the petitioner is in custody since 27.07.2022 and the challan has been filed in the Competent Court. Still further, the charges are yet to be framed and the conclusion of the trial is likely to take a long time. Consequently, he prayed for grant of regular bail and submitted that she deserves sympathetic considerations, being a lady as well.

Learned State counsel has vehemently opposed the grant of concession of bail. He, however, admits that challan has been presented and the charges are yet to be framed by the learned trial Court and the next date of hearing before the trial Court is fixed for 01.11.2022.

I have heard the learned counsel for the parties at length.

A perusal of the FIR shows that all the offences are triable by the Court of Magistrate. The investigation is complete and the challan has been presented. The petitioner is not in a position to influence the prosecution witnesses and her further custody would serve no meaningful purpose.

Without commenting on merits of the case, the instant petition is allowed and the petitioner is ordered to be released on bail subject to her

furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate/Chief Judicial Magistrate, concerned.

29.10.2022
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No