

CRM-M-7766-2023

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(270) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7766-2023 (O&M)
Date of Decision: 14.03.2023

SUKHPREET KAUR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Garima Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.259 dated 18.10.2022 (Annexure P-1) registered under Sections 180, 195, 195-A, 201, 384, 506, 511, 389, 211, 192, 218, 219 and 120-B IPC at Police Station Sector-09, District Ambala.

2. The brief facts of the case are that on 18.10.2022, Manoj Kumar son of Sh. Ramchand came present at the police station and presented a complaint with the allegations that he was working in FCI had been transferred from Delhi to Ambala City. He was staying in a rented House No.428, Sector 09, Ambala City along with his friends Ravish and Animesh. On 12.09.2022, at around lunch time, suddenly, after opening the main gate of the house, one unknown girl came inside. She stated that she had come to take the house on rent. He (complainant) and his friends informed her that the

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house had already been taken. She provided her mobile phone to him (complainant) stating that they could inform her about any other house which could be taken on rent by her. Thereafter, on account of ill-health, he (complainant) went to his village on 20.09.2022. After 15-20 days, his colleagues Ravish and Animesh called him on the phone and informed him that the said girl who had come earlier for taking the house on rent had come back to the house and stated that he (complainant) had done a wrong act with her and had refused to marry her as she belonged to the scheduled caste community. She wanted to meet him (complainant). Thereafter, on 15.10.2022, he returned back to his rented accommodation at Ambala and while on his way back to the market, one unknown boy wearing a mask came to him. He informed him (complainant) that a girl named Ravneet Kaur had filed a case of rape and caste oriented sections at Police Station Sector 09, Ambala City. He (the unknown boy) demanded a sum of Rs.8-10 lakhs failing which he would get him (complainant) arrested. Threats were also issued to him.

Based on the aforementioned complaint, FIR No.259 dated 18.10.2022 under Sections 384, 506, 511, 120-B IPC was registered at Police Station Sector 09, Ambala City, Ambala.

After the registration of the case, the investigation was carried out by ASI Roop Chand, Police Station Sector 09, Ambala. During investigation, the statements of witnesses were recorded. Thereafter, the investigation was also conducted by Inspector/SHO Ram Pal. During the same, it was found that the accused Ravneet Kaur had got registered a case

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bearing FIR No.240 dated 30.09.2022 under Sections 376/506 IPC and 3 SC and ST Act at Police Station Sector 09, Ambala against Manoj Kumar, the complainant in the instant FIR. The allegations made by Ravneet Kaur were verified by Ramesh Kumar, HPS, DSP, (HQ), Ambala and the same were found to be false. Accordingly, a cancellation report was prepared in the said FIR No.240 on 07.11.2022.

Thereafter, the investigation was carried by ASI Suman Lata, who after collecting sufficient evidence arrested Ravneet Kaur on 08.10.2022. She suffered a disclosure statement that she along with her friends Sukhpreet Kaur and one Gaurav Pratap Singh resident of Ambala Cantt. had implicated Manoj Kumar in FIR No.240 dated 30.09.2022 for which she had received money from Gaurav Pratap Singh. Ravneet Kaur got recovered her mobile phone make Iphone Apple along with a SIM No.8968753641. The same was taken into possession.

During investigation, Sukhpreet Kaur (petitioner) daughter of Raj Kumar was arrested on 21.10.2022. From her possession a mobile phone make Oppo consisting of SIM No.7696889532 was recovered. During the course of investigation, the conversations between Sukhpreet Kaur and one Inspector Subhash Singh were taken into possession in a pen drive. Thereafter, an SIT was constituted. Sukhpreet Kaur (petitioner) suffered a disclosure statement admitting that she along with her co-accused Ravneet Kaur and Gaurav Pratap Singh had attempted to extort money from Manoj Kumar, the present complainant. She had also got registered another FIR No.77 dated 26.03.2022 under Section 376(2)n, 323, 379-B, 506 IPC and 3.1

(r) (s) (w) SC/ST against a Bansal family of Yamuna Nagar. The instant FIR had been got registered with the aid and connivance of SHO, Subhash Chand and his friend Preeti who worked in a bank along with Gaurav Pratap Singh and Ravneet Kaur. She got recovered a mobile phone make Samsung, ATM Card, Cheque Book, PAN Card and a Passport. Thereafter, Section 201 IPC was added in the instant case.

During the investigation carried by ASI Suman Lata, member of the SIT, accused Preeti daughter of Bharat Singh and wife of Manoj Kumar, the present complainant was arrested.

On 26.10.2022, she suffered a disclosure statement that she had filed a dowry case against her husband Manoj Kumar which was pending at Delhi. Subhash Chand, Inspector, who was in the Haryana Police was known to her and he along with Gaurav Partap Singh in connivance with Sukhpreet Kaur and Ravneet Kaur in order to defame her husband Manoj Kumar and extort money from him had got registered the instant FIR.

3. During the course of further investigation, an LOC was issued against Gaurav Partap Singh who remains untraceable. Meanwhile, Inspector Subhash Chand sought the concession of anticipatory bail and has been granted interim anticipatory bail by this Court. During the course of proceedings in the anticipatory bail petition of Subhash Chand, a fresh SIT was constituted by the I.G. Karnal Range, Karnal. During the course of investigation Section 389/180 IPC was added in the present case and after the completion of the investigation, the final report/challan stands submitted

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against Ravneet Kaur, Sukhpreet Kaur (petitioner) and Preeti (since granted bail vide order dated 22.02.2023 passed in CRM-M-58181-2022).

Thereafter, during the course of checking of the challan Sections 192/211/218/219 IPC were added.

4. The learned counsel for the petitioner contends that she has been named in the disclosure statement of her co-accused Ravneet Kaur. There is no evidence to suggest that the petitioner was involved in the commission of the offences as alleged. As she was in custody since 21.10.2022 and none of the 21 prosecution witnesses had been examined so far, she was entitled to the concession of bail as Preeti has been granted the similar concession vide order dated 22.02.2023 passed in CRM-M-58181-2022.

5. A reply dated 09.03.2023 by way of an affidavit of Ganga Ram Punia, Superintendent of Police, Karnal has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the allegations against the petitioner and her co-accused are grave. The petitioner and her co-accused are black-mailers and extortionists. The petitioner had got registered another FIR of a similar nature bearing No.77 dated 26.03.2022. Therefore, her criminal antecedents did not entitle her to the grant of bail. In addition, it is pointed out that the call detail records of the accused reflect that they were touch with each other which would show their *modus operandi* in extorting money from innocent people by getting registered false FIRs against them.

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

7. Admittedly, the allegations against the petitioner and her co-accused are grave. However, the veracity of the allegations shall be a matter of adjudication during the course of trial. The petitioner is stated to be in custody since 21.10.2022 and none of the 21 prosecution witnesses have been examined so far. The co-accused of the petitioner namely, Preeti has been granted the concession of regular bail vide order dated 22.02.2023 passed in CRM-M-58181-2022. In this situation, the further incarceration of the petitioner is not required, moreso, on account of the fact that she is a lady.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sukhpreet Kaur daughter of Shri Raj Kumar is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. 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 each time that she is not involved in any other crime other than the cases mentioned in this order.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court.

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The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.03.2023

JITESH

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