

CRM-M-19832-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19832-2018 (O & M)

Date of Decision: 17.05.2023

Ravi Kumar

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sanjeev Kodan, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Ravi Singh, Advocate, for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.285 dated 03.11.2021 under Sections 384, 180, 201 and 120-B IPC registered at Police Station City Pehowa, Kurukshetra.

2. The present FIR came to be registered at the instance of one Nirmala Devi wife of Virender Singh, who stated that on 18.09.2021, Manju Rathod wife of Ravi Kumar (petitioner) and 5-6 unknown persons entered her house at about 4.00 p.m. and started abusing her. Manju stated that she would implicate her (complainant's) husband in a rape

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case if Rs.20 lacs were not given to her. 5-6 persons were standing outside their house with their faces covered and weapons in their hands. Manju was possessing a knife and chilly powder in her bag. In fact, Manju had got entangled her (complainant's) husband and was now blackmailing him by demanding Rs.20 lacs. On account of the conduct of Manju, her (complainant's) husband remained upset and mentally disturbed for days. When Manju tried to take out chilly powder from her bag, she was caught. Instead of taking action against Manju, a case under Section 376 IPC had been registered against her (complainant's) husband.

3. During investigation, as per the findings of the SIT constituted by the Senior Superintendent of Police, U.T., Chandigarh, it was found that Manju Bala wife of Ravi Kumar (petitioner) got involved with Virender Singh, husband of the present complainant. During the course of their romantic encounters, Manju recorded their conversation/intimate moments and started blackmailing Virender Singh. An amount of Rs.32 lacs had been extorted from Virender Singh by Manju and her husband-Ravi Kumar (petitioner). Manju had purchased a house at Pinjore funded by Virender Singh. Similarly, a car had been purchased by the petitioner and his wife-Manju paid for by Virender Singh. Various online transactions were made from the account of Virender Singh into the account of Manju and her husband-Ravi Kumar (petitioner). Subsequently, Manju Bala got pregnant and for the termination of the same, went to Government Hospital, Kalka. Manju Bala blamed her husband Ravi Kumar for giving her the medicine for the

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termination of her pregnancy. Upon the said information, the SMO, Government Hospital, Kala got FIR No.184 dated 18.11.2020 under Sections 3, 4, 5(2) (3) of the Medical Termination of Pregnancy Act, 1971 and Section 312 IPC registered at Police Station Kalka against Ravi Kumar (petitioner) and others including Virender Singh, husband of the present complainant.

On 19.09.2021, Manju Bala had gone to the house of Virender Singh and had shown videos/photographs to Nirmala Devi, wife of Virender Singh and a scuffle had taken place. Thereafter, Manju Bala had gone to Police Station. Pehewa alleging rape upon which a 0 (zero) FIR was registered at Police Station Pehowa which was later on transferred to Police Station Zirakpur and came to be registered as FIR No.534 dated 17.10.2021 under Sections 376, 313, 323 and 506 IPC at Police Station Zirakpur. On the investigation being conducted, the filing of a cancellation report has been recommended in the said FIR.

Thus, the SIT came to the finding that the allegations levelled by Manju Bala against Virender Singh regarding rape, etc. were an after thought and only to cover her criminal acts of extorting money from Virender Singh on the pretext that she would expose him to his wife and his family.

As per the recommendation of the SIT, Section 120-B IPC was been added and Ravi Kumar (petitioner), husband of Manju Bala had been arrayed as an accused.

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4. The learned counsel for the petitioner contends that the instant FIR is a counter-blast to the FIR registered under Section 376 IPC at the instance of Manju Bala wife of the petitioner against Virender Singh, husband of the present complainant. In fact, Virender Singh was maintaining illicit relations with Manju Bala, his (petitioner's) wife with an assurance that he (Virender Singh) would provide her a job. He contends that the petitioner is not named in the FIR and pursuant to his arrest on 30.03.2023, nothing incriminating had been recovered from him. He had a minor child, namely, Amira, aged 04 years, who was living at the house of a friend as there was no one in the family to take care of her. As the petitioner was in custody since 30.03.2023, the report under Section 173(2) Cr.P.C. already stood submitted and none of the 26 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of concession of regular bail.

5. The learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, concedes that the petitioner is in custody since 30.03.2023 and none of the 26 prosecution witnesses had been examined so far.

6. The learned counsel for the complainant contends that a huge amount of money had been extorted by the petitioner and his wife Manju Bala from the present complainant and her husband-Virender Singh. Therefore, he was not entitled to the grant of bail.

7. I have heard the learned counsel for the parties.

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8. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. The petitioner is in custody since 30.03.2023, the investigation stands concluded and till date none of the 26 prosecution witnesses have been examined. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

9. Therefore, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Ravi Kumar is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

10. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the case(s) mentioned in this order

11. In addition, the petitioner (or through someone else on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

May 17, 2023
sukhpreet

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