

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26299-2023

Date of Decision: 03.08.2023

Jasneet Kaur alias Rajveer Kaur

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Tanvir Joshi, Advocate, for the petitioner.

Mr.R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.53 dated 01.04.2023 registered at Police Station Model Town, District Ludhiana under Sections 384, 506 & 120B of the Indian Penal Code, 1860.

2. FIR was lodged on the complaint of one Gurbir Singh, as per which on 16.11.2022, at about 3:00 AM, he received a WhatsApp call from an unknown person threatening him to be killed in an encounter. At 11:22 AM, one unknown person disclosing his name as gangster Kaushal Chaudhary made WhatsApp call from mobile No.+1(863)344-6572 threatening the complainant to eliminate him and his family. Said complainant later on received screen shots of the threatening messages sent by the petitioner from her WhatsApp number 96209-00013.

3. It is contended by Id. Counsel that petitioner has been falsely implicated; that as per the enquiry conducted by ACP (PBI, Economic Offences and Cyber Crime Cell), Ludhiana, mobile number in question

belonged to Sarvottam Singh @ Lucky, who had allegedly made the threatening call. Ld. Counsel submits that the petitioner had earlier made complaint dt.26.08.2022 to SSP, Mohali against the complainant regarding committing rape upon her on the pretext of marriage, but no action was taken and rather, she has been falsely implicated in this case.

4. Apart from this, ld. Counsel for the petitioner further placed on record copy of an order dated 22.06.2023 passed by ld. ASJ, Ludhiana, as per which co-accused Sarvottam Singh @ Lucky has already been allowed regular bail.

5. Opposing the bail petition, ld. State counsel submits that screen shots containing threatening messages from mobile No.+1(863)344-6572 were sent by the present petitioner from her WhatsApp No. 9620900013, clearly indicating that she had connived with the person, who was sending the threatening messages. It was further found that present petitioner had long details of WhatsApp calls and chats from her local mobile number with the above referred foreign mobile number from which the threatening calls were made. It is further submitted that after completion of investigation, Challan has already been filed though charges are yet to be framed. Ld. State counsel also submits that petitioner is a habitual offender, as she is involved in one more case bearing FIR No.268 dated 17.09.2022 registered at Police Station City Kharar under Sections 384, 506 and 120B IPC. Prayer is made for rejecting the bail.

6. I have considered submissions of both the sides and have appraised the record.

7. As per the conceded case of the prosecution, it is Sarvottam Singh @ Lucky, who as per the investigation, had sent the threatening messages to the complainant, though said messages were conveyed through the mobile of the petitioner. It is not disputed that said main-accused Sarvottam Singh @ Lucky has already been allowed bail by the Court of Id. ASJ, Ludhiana vide order dated 22.06.2023. The case is triable by Magistrate. Though Challan has been filed but even the charges have not been framed so far and thus, trial is likely to take long time to conclude. Petitioner is in custody since 02.04.2023 i.e., for the last four months. No purpose shall be served by keeping the petitioner detained.

8. Having regard to all the afore-said facts and circumstances, but without commenting anything further on merits of the case, petitioner is admitted to regular bail on her furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. Ld. Court below is at liberty to put stringent though reasonable conditions for bail.

Disposed of.

(DEEPAK GUPTA)
JUDGE

03.08.2023

Vivek

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No