

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30617-2023

Date of Decision: 20.09.2023

Suman @ Sonu

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Amit Khari, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.234 dated 17.03.2023 registered under Sections 384, 388, 389 and 120-B of IPC, at Police Station Samalkha, District Panipat.

2. The FIR in the present case was registered on the basis of the statement made by Reena wife of Baldev, by alleging that a lady Suman had registered a case of rape of minor girl against Baldev, her husband. Suman and Sudhir, accused had demanded a sum of Rs.5 lacs for giving the affidavit in his favour and they had extended a threat to her husband that in case, the amount was not paid, he would be sent to jail. A deal was struck and it was agreed that Suman would submit an affidavit in favour of Baldev, after taking an amount of Rs.3.50 lacs in the Court complex, Samalkha and the complainant requested for taking legal action against the culprits.

3. On the basis of the complaint made by Reena wife of Baldev, a raiding team headed by PSI Bansi Lal was constituted and Mr. Rahul Rathi, Naib Tehsildar, Samalkha was appointed as a Duty Magistrate by the District Magistrate, Panipat. Four packets of currency notes were handed over to the complainant, which were duly initialled by PSI Bansi Lal and the Duty Magistrate and the currency notes were handed over to the complainant Reena. The currency notes were handed over to Suman, accused, who was apprehended by the police team at the spot and the currency notes were recovered from her. Ultimately, the present FIR under Section 384, 388, 389, 120-B of IPC was lodged at Police Station Samalkha against the present petitioner and her co-accused.

4. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 17.03.2023 and is in custody for the last more than six months. The investigation has already been completed in the present case and the final report under Section 173 Cr.P.C. has been submitted before the competent Court. He further submits that the petitioner is on advance stage of pregnancy and her case deserves to be considered sympathetically.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that she is the main accused in the present case and six more FIRs had been registered against her. However, she admits that as per the medical report, the petitioner is having pregnancy of about seven months and the expected date of delivery is 27.11.2023.

6. I have heard the learned counsel for the parties and perused the record.

7. As per the record, the petitioner was arrested in the present case on 17.03.2023 and the final report under Section 173 Cr.P.C. has already been presented before the competent Court of law. Even otherwise, the petitioner is having pregnancy of about seven months and the expected date of delivery is 27.11.2023, as per the medical report (Annexure R-2).

8. Thus, without commenting on the merits of the case, the present 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/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent herself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file her affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed*

seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to her.

(vii) The concerned Court may insist on two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.

20.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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