IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44241-2022
Date of Decision: 3.2.2023

Meena alias Meenu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Shashi Kumar Yadav, Advocate for
Mr. Anil Kumar Saini, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.127 dated 2.7.2022 registered for the offences punishable under Sections 323, 384, 427, 506, 34 IPC (Section 379-B IPC added later on) at Police Station Loharu, District Bhiwani.

The allegations in brief are that the petitioner who is a lady, conspired with her co-accused Satender, Surender and Ramdeen and they extorted money from complainant-Sarup Singh by calling him to a particular place where his objectionable photographs along with the present petitioner were taken by co-accused in order to blackmail him.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case at the instance of complainant-Sarup Singh and that the complainant is having land dispute

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with his nephew and co-accused Surender and Satender are friends of the nephew of the complainant and no such occurrence as alleged by the complainant ever took place and the petitioner had not extorted any money from the complainant. He further submits that the petitioner is incarcerated for the last more than 5 months and is presently lodged in judicial custody and after completion of investigation, challan has been presented but it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

Present petition is resisted by the State counsel who submitted that the petitioner was a party to the plan which was made by co-accused Satender and Surender to extract money from the complainant by blackmailing him by taking his objectionable photographs with the present petitioner. However, State counsel on instructions from SI Rohtash has not disputed the fact that the petitioner was arrested on 17.8.2022 and after completion of investigation, the police has presented the challan and charges are also framed but till date, no prosecution witness is examined.

I have considered the submissions made by the counsel for the parties.

It is a matter of evidence as to whether the petitioner was involved in any extortion racket as has been alleged by the complainant. The petitioner is in custody for the last more than 5 months. The police has presented the challan after completion of investigation and further, charges are also framed but it will take time for conclusion of trial as till date, no prosecution witness is examined. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

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In view of the above, 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 his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 3, 2023
Paritosh Kumar

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

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