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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-43154 OF 2023 (O&M)
DATE OF DECISION: 05.10.2023****Reena Rani****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Dr. Naresh Kaushik, Advocate,
For the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Ajit Singh Lamba, Advocate,
For the complainant.

ARUN MONGA, J. (ORAL)

Following the denial of bail by learned trial court, the petitioner is now before this court seeking his release as an undertrial in a case with FIR No.403 dated 08.06.2023, registered under Sections 323, 377, 384, 389, 506 read with Section 34 of Indian Penal Code, 1860 (for short "IPC") at Urban Estate, Police Station in Hisar.

2. Per the prosecution's case, on 08.06.2023, complainant Ram Kishan Gupta presented a written complaint alleging that he had inducted Rajbir and his wife Reena (the present petitioner) as tenants at his residence in the year 2022. On 18.04.2023, when the complainant went to Reena's room to deliver some refreshments for the kids, she asked him to return after 15 minutes. When he returned after 15 minutes, she suddenly embraced him in her arms. He stayed there for 3-4 minutes and then left the room.

2.1. On 25.04.2023, when his wife was away at the market, co-accused Rajbir confronted the complainant about an alleged wrong act with his wife. Rajbir claimed to have recorded a video of the act and forced the

complainant to write a statement admitting to the wrongdoing. On 02.05.2023, Rajbir started blackmailing the complainant with the video, demanding Rs. 20,00,000 to be paid by 08.05.2023. Frustrated, the complainant shared the situation with his wife on 03.05.2023, and she was shown the video by Rajbir, who continued to demand the money or threatened police action and defamation. The complainant and his wife eventually agreed to pay Rs. 20,00,000 to Rajbir.

2.2. On 14.05.2023, at around 1:30 p.m., Rajbir arrived in a vehicle with registration No. CH01-AX-0952 and asked the complainant to place the bag containing the cash in the car. After receiving the bag, Rajbir refused to delete the video, insisting on more money. The complainant shared this with his sons, and on 08.06.2023, he filed a written complaint. An FIR was registered, and during the investigation, the petitioner was arrested on 09.06.2023 and has been in custody since.

3. Learned counsel for the petitioner contends that there are no allegations of money demand by the petitioner in the FIR or acceptance of any money. There is an unexplained delay in registering the FIR as the alleged incidents took place on 18.04.2023, 25.04.2023, 02.05.2023, and 14.05.2023, with the FIR being registered on 08.06.2023. It is further contended that the complainant himself has a history of crime against women, as he and his son are involved in allegations related to the death of his daughter-in-law under mysterious circumstances.

3.1. Learned counsel further contends that the petitioner is a young woman of 27 years with a minor son aged 8 years. Her husband is also in custody, leaving no one to care for their child. It is further argued that the petitioner is suffering from depression and requires special personal care, as indicated in the treatment chart (Annexure P-3).

3.2. Learned counsel would further argue that the investigation is complete, and the charge sheet has been filed. Charges are yet to be framed. The petitioner has a clean record and is not involved in any other case. There is nothing to recover from the petitioner.

4. On the other hand, the learned State counsel, assisted by the counsel for the complainant, strenuously opposes the bail petition, expressing concerns about the possibility of the petitioner fleeing from trial proceedings if granted bail. They submit that the allegations against the petitioner are serious. However, they admit that no other case is pending against her.

5. I have heard the rival contentions of learned counsels for the parties and have reviewed the case file.

6. In response to a query from the Court, under instructions from ASI Subhash, the learned State counsel informs that after filing the charge sheet on 07.08.2023, charges are yet to be framed. The investigation concerning the petitioner is complete, and she is not required for custodial interrogation. At this stage, the allegations against the petitioner are subject to trial. None of the twelve prosecution witnesses have been examined thus far. The progress of the trial has been slow, and it is anticipated to take a considerable amount of time. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since October 29, 2021, for more than 01 year and 11 months.

7. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that she might tamper with evidence or influence witnesses.

8. The petitioner is a 27-year-old woman with a minor son aged 8 years. As a housewife and mother of a minor child with a clean record, she is unlikely to be a flight risk or to flee from the trial proceedings.

9. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where her case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

11. In case, petitioner is found involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of her bail in the instant case.

12. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

OCTOBER 05, 2023
Shalini

(ARUN MONGA)
JUDGE

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