

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-50190-2022

Date of Decision:-03.07.2023

Rajwati Gupta @ RV.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ivneet Singh Pabla, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0454 dated 19.12.2021 under Sections 114, 120-B, 427, 506, 376(2)(n), 343 and 365 IPC whereas Sections 376(2)(n), 343, 365 IPC has been deleted and Sections 384, 3898 IPC has been added later on registered at Police Station Sector 6, Bahadurgarh, District Jhajjar.

2. The aforementioned FIR came to be registered at the instance of petitioner against Rakesh with the allegations that she had been sexually used and abused by Rakesh and he had manipulated her to extort money from Raj Verma, Raju and Sunil etc., on the pretext of implicating them in rape cases.

During the course of investigation it transpired that the petitioner was an active participant along with Rakesh and, therefore, the

offences under Section 384, 389 IPC were added in the present FIR and Sections 343, 364, 376(2)(n) IPC were deleted. The complainant was also nominated as an accused.

3. The Counsel for the petitioner contends that in fact the petitioner is the victim who had been threatened and raped by Rakesh and used to extract money from different persons. The petitioner herself had approached the investigating agency and got registered the present FIR. There was absolutely no evidence that the petitioner was connected with the commission of the alleged offence. As the petitioner was in custody since 09.05.2022 and only 01 out of 41 prosecution witnesses had been examined so far, she was entitled to the concession of bail more so as she was a lady and a first time offender.

4. The Counsel for the State on the other hand contends that the petitioner along with Rakesh extorted a huge amount of money from various persons. Though it was true that it was the petitioner who had got the instant FIR registered, however, during the course of investigation it was established beyond any doubt that the petitioner was an active participant along with Rakesh. He therefore contends that the petitioner is not entitled to the grant of bail. He however, concedes that the petitioner is a first time offence, in custody since 09.05.2022 and only 01 out of 41 prosecution witnesses had been examined so far.

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

6. Admittedly, the petitioner is the first informant. The veracity of the case against the petitioner and her co-accused shall be established during the course of the Trial. She is in custody since 09.05.2022 and only 01 out of 41 prosecution witnesses have been examined so far. 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.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Rajwati Gupta @ RV** daughter of Mr. Vaijnath Gupta, Wife of Sh. Parveen Sharma is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 03, 2023
Vinay

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