

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM M-51533 of 2023
Date of Decision: 13.12.2023**

Sharvan @ Golu @ Sudhir

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Satish Chaudhary, Advocate, for the petitioner.
Mr. Praveen Bhadu, Addl. A.G. 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 a regular bail in case FIR No.234 dated 17.03.2023 registered under Sections 384, 388, 389 and 120-B 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. As per the complainant, her husband Baldev told her that one Suman @ Sonu has registered a case for rape of her minor daughter against him and Suman @ Sonu and Sudhir had demanded a sum of Rs. 5 lacs for giving an affidavit in his favour. They were further extending a threat that in case the said amount has not given, her husband would be sent to jail. They entered into a deal in this regard and it was agreed that Suman @ Sonu would submit an affidavit and would get the case cancelled,

after taking an amount of Rs. 3.50 lacs in the Court complex Samalakha. She requested for taking legal action against the culprits.

3. On getting this complaint, a raiding team of police officials was constituted and Naib Tehsilar Samalkha was appointed as Duty Magistrate by the District Magistrate, Panipat. The complainant gave four packets of the currency notes and initials were put by PSI Bansi Lal and Duty Magistrate on the said currency notes and the currency notes were handed over to the complainant Reena and receipts were got prepared. Thereafter, on the instructions of the police, the currency notes were handed over to Suman @ Sonu and she was apprehended by the raiding team at the spot itself. The case property was taken into possession and was duly sealed by the police officials. Learned counsel for the petitioner contends that the petitioner was not present at the spot and he has been falsely involved in the present case with the aid of Section 120-B IPC. He further submits that no specific role has been attributed to him and Suman @ Sonu, main accused has already been granted the concession of bail by this Court on 20.09.2023 vide Annexure P-3. He further submits that the petitioner is in custody since 08.06.2023 and nothing is to be recovered from him.

4. On the other hand, learned State counsel submits that very serious allegations have been levelled against the present petitioner. In fact, by coining a false version, Suman @ Sonu had got

a case registered under the POCSO Act against Baldev, husband of the present complainant. After getting the compromise done in the said case, the present petitioner and Suman @ Sonu were demanding a sum of Rs. 5 lacs and also agreed to take an amount of Rs. 3.50 lacs from the complainant in Court Complex Samalkha. Even, Suman @ Sonu was apprehended at the spot with the amount of Rs. 3.50 lacs. He further submits that the petitioner and Suman @ Sonu have close relationship and had colluded to extort money from the complainant and her husband by getting a false case registered against the complainant side.

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

6. The main contention raised on behalf of the present petitioner is that Suman @ Sonu was apprehended at the spot and was the main accused and has been granted the concession of bail by this Court. However, from the perusal of the order Annexure P-3 passed by this Court, it is apparent that Suman @ Sonu was granted the concession of bail by this Court as she was having the pregnancy of about 7 months and as per the medical report, her expected date of delivery was 27.11.2023. Consequently, keeping in view the medical condition of Suman @ Sonu, she was granted the concession of bail by this Court. However, in the present case, the petitioner had actively participated in the commission of the crime by colluding with Suman

@ Sonu. Even as per learned State counsel, one more case under Section 379-A IPC has also been registered against the present petitioner. Thus, it is evident that by extending the threat to the complainant and her husband, an amount was extorted from the complainant and Suman @ Sonu was apprehended at the spot with the amount of Rs. 3.50 lacs. In fact, such tendency on the part of the accused to get the money extorted, by getting a false criminal case registered, needs to be curbed with iron hand. Thus, keeping in view of the gravity of the offence, the petitioner is not entitled to concession of bail in the present case.

7. In view of the above, the present petition is ordered to be dismissed.

13.12.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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