

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

CRM-M-55579-2022

Date of decision : 24.04.2023

Suresh Kumar**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for grant of regular bail in cross-version diary No.220-dasti dated 18.06.2020 in FIR No.249 dated 15.06.2020, under Sections 363, 366-A, 506 of IPC and Section 4 of POCSO Act (Sections 370, 370-A, 384, 389 of IPC added later on and Sections 4 and 6 of POCSO Act were removed), at Police Station Kurukshetra University Kurukshetra.

Originally FIR No.249 dated 15.06.2020, under Sections 363, 366-A, 506 of IPC and Section 4 of POCSO Act (Sections 370, 370-A, 384, 389 of IPC added later on and Sections 4 and 6 of POCSO Act were removed) was got registered by the father of victim against Mam Chand @ Dhola. The cross-version Diary No.220-dasti dated 18.06.2020 was got registered by one Ravi son of Mam Chand and the allegations against petitioner-Suresh Kumar is that he got registered a false case against his father as he wanted to extort money from him. It was also alleged that present petitioner Suresh Kumar along with his family was residing in their house as a tenant and they got the house vacated from him & he lodged a

false case against his father. Investigation was commenced. The petitioner was arrested on 04.08.2020. He approached the Court of learned Additional Sessions Judge, Fast Track Special Court, Kurukshetra. However, after hearing counsel for the parties, learned Additional Sessions Judge, Fast Track Special Court, Kurukshetra declined the same vide order dated 14.11.2022. Aggrieved by the same, petitioner is before this court for grant of regular bail.

It has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in this case as they got lodged an FIR against father of the complainant. The present is a case of version and cross-version and the version of which party is correct is to be ascertained by the trial Court on the basis of evidence to be led before it. Petitioner is in custody since 04.08.2020 and trial of the case will take sufficient long time to conclude and as such the petitioner is entitled to be released on bail. All the co-accused of the petitioner have already been granted bail by this Court and as such, the present petitioner is also liable to be released on bail.

On the other hand, learned State counsel while opposing the submissions made by counsel for the petitioner submits that petitioner along with co-accused have actively participated in the crime. He has further submitted that earlier petition moved by the petitioner bearing No.CRM-M-26842-2022 was withdrawn by counsel for the petitioner on 12.10.2022. He has further stated that complainant-Ravi while appearing as PW-3 before the trial Court has clearly stated that the accused party moved a complaint against his father on 29.03.2020 and the matter was compromised in the Panchayat and all accused had taken Rs.5,00,000/- from his father, out of which, Rs.2,50,000/- was credited in the account of co-accused Hawa Singh and remaining amount was credited in the account of co-accused Vishal through

RTGS and they had also taken Rs.40,00,000/- from his father on the pretext of compromise. Thus, the complainant and other witnesses fully supported the version of prosecution and as such, the petitioner is not entitled for grant of bail. He has further submitted that there are total 05 accused, out of which 04 accused had already been granted bail. He has also submitted that in all, there are 24 prosecution witnesses, out of which, 18 witnesses have been examined.

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

Admittedly, the present matter is of version and cross-version. There are allegations against father of the complainant, namely, Mam Chand that he had enticed away daughter of the petitioner. The allegations against the accused are that they extorted money from father of the complainant on the pretext of compromising the matter in the main FIR. All the four co-accused of petitioner have already been granted bail. The petitioner is in custody since 04.08.2020 and the trial is likely to take some time for its conclusion as out of 24 prosecution witnesses, only 18 witnesses have been examined so far. The veracity of allegations is to be assessed by the trial Court on the conclusion of the trial before it. This Court would refrain itself from commenting anything upon the merits of the case. However, confining to the prayer made for the grant of bail, this Court is convinced that the counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.04.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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