

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

CRM-M-58181-2022

Date of Decision:-22.02.2023

Preeti.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

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

Present:- Mr. Keshav Pratap Singh, Advocate for the Petitioner.

Mr. Neeraj Poswal, 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.259 dated 18.10.2022 under Sections 384, 506, 511 and 120-B IPC (Sections 195, 195-A and 201 IPC added later on) registered at Police Station Sector 9, District Ambala. (On the oral request by the counsel for the petitioner Sections 180, 389, 211, 192, 218, 219 IPC are ordered to be added. The Registry is directed to add these sections in the headnote as well as the prayer clause of the petition).

2. On 19.12.2022 the following order was passed:-

“ *Prayer in this petition is for grant of regular bail in FIR No.259 dated 18.10.2022 under Sections 384, 506, 511, 120-B IPC and Sections 195, 195A, 201 IPC (added later on), registered at Police Station Sector-9, District Ambala.*

Learned counsel for the petitioner relies upon the order dated 21.11.2022 passed in CRM-M-53787-2022, vide which co-accused

Subhash Singh has been granted the concession of interim anticipatory bail. The operative part of the order reads as under: -

“Learned senior counsel for the petitioner submits that the present FIR has been registered at the instance of complainant Manoj Kumar, who is estranged husband of one Preeti, who is also an accused in the FIR. It is further stated in the FIR that the complainant is working in FCI and in December, 2021, he was transferred to Ambala City, where he took a house on rent. On 12.09.2022, he along with his friend Ravish was present in the rented accommodation and suddenly, a girl came there and stated that she has come to take the said house on rent and, thereafter, she left the premises. It is further stated that due to bad health, the complainant had gone to his village on 20.09.2022. Again, his friends Ravish and Animesh called him and informed that the same girl, who had come earlier also on 12.09.2022, has come to take the house on rent and has stated that Manoj Kumar (complainant) has done wrong things with her and since she belongs to a lower caste, he has refused to marry her. Thereafter, on 15.10.2022, the complainant returned to Ambala and when he was going towards market, an unknown young boy came and informed that a girl named “R” (name withheld) has filed a case of rape in Police Station Sector 9 and he should meet her. Thereafter, a demand was made to pay the money in lieu of some settlement in the said case.

Learned senior counsel further submits that in fact the aforesaid girl “R” has got registered FIR No. 240 dated 30.09.2022, under Sections 376, 506 of the IPC and Section 3 of the SC/ST Act at Police Station Sector 9, Ambala City against Manoj Kumar, who is complainant in the present FIR and after investigation, the allegations in FIR No. 240 were found to be false and the police registered the present FIR No. 259 against Ravneet Kaur, Sukhpreet Kaur and Preeti (estranged wife of complainant Manoj Kumar) and arrested all of them. Thereafter, another accused Gaurav and the present petitioner were nominated in FIR No. 259 on the disclosure of Preeti.

Learned senior counsel further submits that in fact the petitioner is presently posted as SHO in Police Station Mahesh Nagar, Ambala, whereas the previous FIR No. 240 was registered at Police Station Sector 9, Ambala City and

the petitioner was neither the Investigating Officer nor remained posted at Police Station Sector 9, Ambala City and in fact, prior to his posting at Police Station Mahesh Nagar, Ambala, he was posted at Police Station Mullana, Ambala.

Learned senior counsel further submits that during investigation of the present case, no call details or mobile phone location of the accused/co-accused has been collected by the police and the petitioner is ready to join the investigation. It is also submitted that the prosecution is also relying upon FIR No. 77 dated 26.03.2022, registered under Sections 323, 376(2)(n), 379-B and 506 of the IPC at Women Police Station, Yamuna Nagar, however, the petitioner was not the Investigating Officer even in that case and only on the directions of the Superintendent of Police, Ambala, dated 14.07.2022, an SIT was constituted under the supervision of DSP, Barara and SHO, Mullana and ASI Omi Devi were directed to assist DSP, Barara in the investigation. The said order reads as under:

“ In continuation to the order No. 2570-74/speaker dated 22.04.2022. The further investigation of the case FIR No. 77 dated 26.03.2022 U/s 376(2)N, 323, 379B, 506 IPC, PS Women, District Yamunanagar has been handed over to Deputy Superintendent of Police Barara and SHO Mullana and ASI Omi Devi has been appointed to assist DSP Brara in the investigation. Inspector Subhash who was posted as SHO Mullana has been transferred as SHO, PS Maheshnagar. Inspector Subhash is well conversant with the facts of the case. Hence, Inspector Subhash, SHO, PS Maheshnagar will be the assistant of DSP, Brara in the above mentioned case. The Deputy Superintendent of Police, Barara, on the basis of facts come to light in this case, will conduct thorough, unbiased and earnest investigation and while competing the case at the earliest, provide the progress report to this office.”

Learned senior counsel for the petitioner further submits that the petitioner was initially not the Investigating Officer and only on the basis of the aforesaid order the Superintendent of Police, Ambala, he was directed to assist the DSP, Barara and there is

a clear reference in the aforesaid order that the petitioner already stands transferred from Mullan to Mahesh Nagar.

It is further submitted that aforesaid FIR No. 77 was registered at the instance of complainant "S" (name withheld) against Sanjay Bansal, Yash Bansal, Vinay Bansal, Kamini Bansal, Manisha Bansal, Kritika Bansal and her husband Anshul Jain on the similar allegations that the complainant had gone to Mullana University on 12.01.2015 regarding admission of her sister, where she met Yash Bansal, who repeatedly committed the offence of rape on her.

Learned senior counsel further submits that the petitioner again was not the Investigating Officer of the said case, which belongs to Women Police Station, Yamuna Nagar. It is further submitted that later on, FIR No. 77 was cancelled and the present FIR was registered with the aforesaid allegations of extortion of money.

Learned senior counsel for the petitioner further submits that the petitioner join service in 2010 and thereafter, he was posted as SHO and prior to registration of the present FIR, there is no complaint against him.

Notice of motion.

Mr. Himmat Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Learned State counsel, on instructions from Inspector Sandeep Kumar, submits that after the arrest of Preeti, her disclosure was recorded, in which she has stated that she is a highly educated woman and is working in Bank of Baroda since 2011. She further stated that she was married to Manoj Kumar (present complainant) and has a 09 years' old son, however, she separated from her husband in 2011. She further stated that petitioner Subhash Singh is his friend since the time they were in Maharshi Dayanand University, Rohtak and he has assured her that he can get Manoj Kumar involved in some false case, however, on the bottom of the said disclosure, Mr. Jaswinder Singh, Incharge, CIA Staff,

Ambala Cantt. has made an endorsement that “accused Preeti is an educated, clever and well conversant with law and, therefore, she has refused to sign her disclosure statement.”

List again on 22.02.2023...”

Learned counsel has also relied upon the order dated 14.12.2022 passed in CRM-M-58134-2022, vide which another co-accused Ravneet Kaur has been granted the concession of interim bail on medical grounds.

It is submitted that petitioner Preeti is wife of complainant Manoj and the allegations are that she has developed friendly relations with coaccused Subhash Singh, who was SHO of the police station, when the FIR was registered against Manoj. It is further submitted that now vide order dated 06.12.2022 passed in CRM-M-56088-2022, this Court has directed to constitute an SIT to be supervised by I.G. Karnal Range, Karnal for investigation in aforesaid FIR No.259, FIR No.240 under Sections 30.09.2022 under Sections 376, 506 IPC and Section 3 of SC&ST Act, registered at Police Station Sector-9, Ambala City and FIR No.77 dated 26.03.2022 under Sections 323, 376(2)(n), 379-B, 506 IPC, registered at Women Police Station Yamuna Nagar. It is also submitted that the petitioner is first offender and no other case is pending against her. It is next submitted that the investigation is transferred to SIT and prays that being a lady, the petitioner may be released on interim bail.

Learned State counsel has filed the custody certificate in the Court today, according to which, the petitioner is in custody for the last 01 month and 19 days.

List again on 22.02.2023.

In the meantime, the petitioner is directed to be released on interim bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Pursuant to the release of the petitioner on interim bail a report under Section 173(2) Cr.PC stands presented on 19.12.2022 under Sections 384, 506, 511, 120-B IPC and Sections 195, 195-A, 201 IPC (added later on).

In view of the above, the aforementioned order is made absolute subject to the petitioner furnishing bail bonds and surety bonds to

the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

In addition, the petitioner shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 22, 2023
Vinay

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