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2024:PHHC:023761

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2950-2024
DECIDED ON:20.01.2024

BABY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 438 Cr.P.C. has been invoked for the grant of anticipatory bail to the petitioner in case FIR No. 1047, dated 25.12.2023, under Sections 384, 388, 389 and 120-B of the Indian Penal Code, 1860, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. The contents of the FIR read as under:-

“The copy of the writing is as follows: Statement of Bijender, son of Shri Surajbhan, resident of Village Chidi, Police Station Lakhan Majra, District Rohtak, age 49 years, Mob No. 83750-90734, stated that I am a resident of the above-mentioned address and am a driver on a private bus in Delhi and my brother Jagbir son Surajbhan works as a driver in Haryana Roadways Yamuna Nagar and my brother lives in a rented room in Yamuna Nagar. My brother had hired Sona Devi, a resident of Jagadhri, to cook food. Sona Devi, in connivance with Karambir Parcha, Rekha, Dinesh Kamboj, accused my brother Jagbir Singh of

rape and filed a rape case against my brother in the women's police station, Yamuna Nagar. In which case by making pressure of arrest of my brother Jagbir Singh, demanded money from my brother and my brother sent his fellow employees Mahabir, Rajendra Kamboj, Dharmendra to talk to the above people, when Mahabir, Rajendra Kamboj and Dharmendra reached near Jagadhri bus stand to talk, Karmbari Parcha came on a motorcycle wearing a helmet and Rekha and Dinesh Kamboj went to a nearby shop to talk, where Mahabir Singh recorded everything from his mobile. The conversation was recorded where Rekha and Dinesh Kamboj said that we have registered many such cases, do not be afraid of arrest, we will get this case canceled, we will get this case settled for eight lakh rupees. For canceling the case, a we talked for Rs 5 lakh and my brother Jagbir Singh came to his room in the evening to whom I and Mahabir told about this conversation. My brother Jagbir was quite shocked and during this time the room in which my brother was rented, the landlord removed my brother's belongings from the room. Due to this shock, my brother Jagbir Singh consumed some poisonous substance, which I and Mahabir took for treatment to Civil Hospital Yamuna Nagar, where the doctor gave first aid to my brother and referred him to PGI, Chandigarh and I took my brother to PGI Rohtak for treatment and as my brother's condition worsened, I brought my brother to Noble Heart Hospital Rohtak. Where my brother Jagbir Singh is undergoing treatment, the woman working in his house (room), Sona Devi and her associates Karmbir Parcha, Rekha, Dinesh Kamboj conspired together and registered a case of rape against my brother in the women's police station, Yamuna Nagar and to get it compromised, Rs 8 lakh has been demanded. Due to which my brother, under stress, tried to end his life by consuming poisonous substance. Strictest Legal action should be taken against them. I got you to write my statement, listened and read it, which is correct. SD:- Bijendra ATTESTED: SI NIRMAL SINGH PS CITY YNR DT 25.12.2023”

3. It has been contended by learned counsel for the petitioner that he has been falsely implicated in the present case, as no specific role has been attributed to him. The allegation qua the petitioner is that she along-with co-accused had demanded an amount of Rs.8,00,000/- for settlement of rape case, which was registered at the behest of one Sona Devi. It is also submitted that no offence under Sections 388 and 389 of IPC is made out against the petitioner. It is further submitted that in fact Jagbir Singh, who is an accused in FIR No. 67, sent his colleague employees to talk to the victim for compromise and the petitioner was not at all in picture till the registration of FIR No. 67. The present case has been registered just to save the skin of Jagbir Singh, brother of the complainant-Brijender on whose complaint the present case stands registered.

4. Notice of motion.

5. At the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG, Haryana having served with advance notice, accepts the same on behalf of respondent-State of Haryana and prays for dismissal of the present petition stating that the petitioner has actively participated in commissioning of offence and there is video recording of conversation raising demand of Rs.8,00,000/- for getting the rape case settled.

6. Heard learned counsel for the respective parties at length.

7. From the bare perusal of FIR, it is evident that there is a specific allegation against the petitioner that she along-with her accomplices extorted the money for settlement of rape case registered against the brother of the complainant-Brijendra qua which video recording of conversation regarding the extortion of money is also available with the investigating agency. As far as the fact with regard to the identity of the petitioner is concerned, learned State counsel on instructions

from the Investigating Officer/pervi report has already admitted that Baby and Rekha are one and the same person.

8. This Court cannot be oblivious of the fact that Sections 375 and 376 were initially developed to make our nation a well secured place and to form an egalitarian society, it was well sorted decision that in need of protecting women from sexual harassment there was a need of making an armor to their miserable and helpless societal value. In 2013, Criminal Law (Amendment) Act was passed, carving out an exception to criminal laws which was that if a women accuses a man for sexual harassment or rape the burden of proof will lie on the man (accused), to prove that allegation made against him are malicious and that he is innocent and is being accused for false accusations. The laws that were made to empower women and to make them feel secure in patriarchal society soon transformed into the sword that slaughtered men's dignity in society by false accusations, to protect her as a weapon.

9. These provisions have been maliciously used by some women, in contemporary world, falsely accusing the man for doing sexual intercourse with or without her consent which transfers the burden of proof on man making woman to sit back and enjoy the show such activity is done by woman with malice of taking revenge, money or to humiliate man in the society. The conviction rate in our country in such like cases, is only 32% which itself is axiomatic and self-explanatory to demonstrate the fact that there are a number of false complaints registered in relation to rape. But the sad reality of our society is that we only lament for women when she accuses a man irrespective of having any accurate knowledge about the incidence.

10. The victim of false rape accusation is as worse as victim of rape. One cannot feel and imagine the shock, trauma, ridicule and humiliation that is suffered by the one who is falsely accused in rape case which is not limited to the man himself but family or his close ones also suffer same mental agony, isolation & ridicule.

11. In the present case, the glaring fact which, this Court, cannot lose sight of, is that an FIR No.67 dated 21.12.2023 under Sections 376, 328, 506 IPC at Women Cell Police Station Yamuna Nagar was lodged by one Sona Devi against the brother of the complainant, Jagbir Singh. Thereafter, the petitioner-Baby (Rekha) along with Karamvir Parcha and Dinesh Kamboj demanded Rs.8 lakhs to get the matter compromised and in the meantime, the brother of the complainant, namely, Jagbir Singh who was deeply traumatised by this incidence, which occurred out of blue, consumed poison and tried to end his life. In fact, the said Sona Devi was hired as Cook at the rented room of the brother of the complainant, namely, Jagbir Singh and finding Jagbir Singh as an easy target, to fulfill their evil desires, the petitioner – Baby @ Rekha and her other accomplices who are allegedly operating as gang implicated and blackmailed the brother of the complainant in false rape case to extort money. The present FIR lodged by the complainant-Bijender is an offshoot of the conversation recorded by the complainant party with the petitioner (Baby @ Rekha) and her co-accused, who demanded Rs.8 Lakhs for striking at a 'deal' to withdraw the rape case (FIR No.67 dated 21.12.2023) lodged against brother of the complainant. Therefore, the possibility of the petitioner and her co-accused, operating as a 'gang' cannot be ruled out, at the outset, as such like cases are on the peak nowadays and must be nipped in the bud to protect the society as a whole.

8. Thus, this Court is of the considered opinion that the custodial interrogation of the petitioner is necessary to unearth all the ramifications involved in the present case, which would also facilitate the investigating agency to investigate the matter thoroughly.

9. In view of the discussions made hereinabove, the present petition being devoid of any merits is dismissed.

20.01.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>