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2024:PHHC:009534

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3889-2024
DECIDED ON: 24.01.2024

DINESH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

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

The contents of FIR read as under:-

"Statement of Bijender, son of Sh. Surajbhan, resident of Village Chidi, Police Station Lakhan Majra, District Rohtak, aged 49 years, Mobile No. 83750-90734. Stated that I am resident of the above-mentioned address and am a driver on a private bus in Delhi and my brother Jagbir son of Suraj Bhan 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, resident of Jagadhri to cook food. Sonia Devi, ins with Karamveer 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, namely Mahabir, Rajender Kamboj and Dharmendra to talk to the above people, when Mahabir, Rajinder Kamboj and Dharmendra reached near Jagadhri bus stand to talk, Karamveer Parcha came on a motorcycle, wearing a helmet, and Rekha and Dinesh Kaboose 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 the rest, we will get this case cancelled, we will get the case settled for Rs. 8 lakhs rupees. For cancelling the case we talked for Rs. 5 lakhs and my brother Jagbir Singh came to his room in the evening to whom I and Mahabir told about the conversation. My brother Jagbir was quite shocked and during this time the room in which my brother was was renting the land rod removed my brothers belonging from the room due to the 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 worsen, I bought my brother to Noble, heart Hospital, Rohtak. Where my brother Jagbir Singh is undergoing treatment, the woman working in his house, Sohna Devi and her associate Karambir Parcha, Rekha, Dinesh Kamboj conspired together and registered a case of rape against my brother in the woman police station, Yamuna Nagar, and to get it compromised, Rs. 8 lakhs have been demanded. Due to which my brother, is stress and tried to end his life by consuming poisonous substance. Strict action be taken against them. I got recorded my statement, heard it and read it over which is correct on of Suraj Bhan 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, resident of Jagadhri to cook food. Sonia Devi, ins with Karamveer, 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, namely Mahabir, Rajender, Kamboj and Dharmendra to talk to the above people, when Mahabir, Rajinder Kamboj and Dharmendra reached near Jagadhri bus stand to talk, Karamveer Parcha came on a motorcycle, wearing a helmet, and Rekha and Dinesh Kaboose 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 the rest, we will get this case cancelled, we will get the case settled for eight lakh rupees. For cancelling the case we talked for Rs. 5 lakhs and my brother Jagbir Singh came to his room in the evening to whom I and Mahabir told about the conversation. My brother Jagbir was quite shocked and during this time the room in which my brother was was renting the land rod removed my brothers belonging from the room due to the 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 worsen, I bought my brother to Noble, heart Hospital, Rohtak. Where my brother Jagbir Singh is undergoing treatment, the woman working in his house, Sohna Devi and her associate Kabir Parcha, Rekha, Dinesh Kamboj conspired together and registered a case of rape against my brother in the woman police station, Yamuna Nagar, and to get it compromised, Rs.8 lakhs have been demanded. Due to which my brother, is stress and tried to end his life by consuming poisonous substance. Strict action be taken against them.”

Learned counsel for the petitioner contends that the allegations in the FIR are general in nature and Sections 388 & 389 are bailable. He further submits that the allegation to the effect that the petitioner has conspired alongwith other co-

accused Sona Devi to get a case of rape registered against the brother of the complainant is totally a concoction of the prosecution story to extract money to which the petitioner did not succumb and resultantly the instant FIR has been registered against him.

Though, the learned counsel for the petitioner asserts that the petitioner is ready and willing to deposit the money, as has been demanded to the tune of Rs.50,000/-, with the trial Court subject to the final outcome of the case. Though, the offence under Sections 388 and 389 of IPC are averred to be not made out against the petitioner, but the contents as has been mentioned in the FIR and in the other FIR No.67 dated 21.12.2023, under Sections 376, 328 and 506 of IPC at Women Police Station, Yamuna Nagar, the petitioner was in connivance with the other co-accused namely Karamvir Parcha, Rekha @ Baby.

Learned counsel for the petitioner seeks concession of anticipatory bail on the ground that other accused namely Karamvir has been granted concession of anticipatory bail by the trial Court vide order dated 05.01.2024 (Annexure P-1), but the perusal of the said order clearly indicate that Karamvir was not visible at the time of alleged occurrence, wherein the other co-accused namely Rekha as well as the petitioner were in active connivance with each other for the commissioning of offence in the instant case as well. In case, any liberal approach in the instant FIR be taken then it would definitely have an adverse effect on the allegations raised against the present petitioner in another FIR No.67 dated 21.12.2023.

Looking into the gravity of the offence and subsequent role of the petitioner alongwith other co-accused Rekha, whose bail application has already been dismissed vide order dated 20.01.2024 passed by this Court in CRM-M-2950-

2024, the petitioner does not deserve the concession of anticipatory bail. Hence, the petition stands dismissed with no order as to costs.

24.01.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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