

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

CRM-M-15553-2024

Date of Decision:-29.04.2024

Savita.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Aditya Sanghi, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

Mr. Anshuman Dalal, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.28 dated 11.01.2023 under Sections 180, 420, 467, 506, 468, 471 and 120-B IPC registered at Police Station Rohtak City, District Rohtak.

2. The brief facts of the case are that the present FIR came to be registered at the instance of Ramesh Kumar (complainant) who stated that he was a retired army personnel and the petitioner-Savita resided in his vicinity. Savita informed him (complainant) that Satyavir and Ashok were owners of the land measuring 16 biswas situated at Rohtak which they wanted to sell the same at a lower rate than the prevalent market rate. He asked Savita to introduce him to the owners but she said that that the owners would only trust her and therefore, the consideration amount was to be paid to her alone

who would pay the owners of the land. Therefore, he paid an amount of Rs.68 lacs in cash to Savita who handed over several writings/agreements to sell dated 10.07.2022, 21.07.2022 and 25.07.2022 to him. The said documents bore the signatures of owners namely Satyavir and Ashok. A receipt dated 25.07.2022 was also given to him showing that he had paid a sum of Rs.68 lacs to Savita and Savita would pay the remaining amount. When he asked Savita to arrange a meeting for demarcation of the land, she started dithering on one pretext or the other. When he contacted the owners of the land, then they informed him that they had neither entered into an agreement with Savita nor had they received any money for selling their land. On being contacted Savita disclosed that the writings and agreements were forged and had been prepared in connivance with her husband and other persons. She also threatened him to implicate in a false rape case. On being pressurized to return the amount Savita gave an attested affidavit dated 18.10.2022 wherein it was stated that she had fraudulently received Rs.68 lacs and had assured for returning the same. Cheque for an amount of Rs.8 lacs was given to him (complainant) as part payment but was dishonoured. She in connivance with her husband and other persons got lodged a false complaint dated 26.10.2022 against him (complainant) at P.S. Rohtak levelling allegations of rape etc. He (complainant) had audio recordings of Savita and her husband regarding the extortion being done with him.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The prosecution case was unbelievable in as much as the complainant being a retired army personnel could not have parted with Rs.68 lacs in cash without meeting the owners of the land. There was a delay of more than 06 months in registration of the FIR in as much as the agreement was dated 10.07.2022/

21.07.2022 and 25.07.2022 but the FIR was registered on 11.01.2023. The complaint under Section 376 IPC had been withdrawn by the petitioner as was evident from the document Annexure P-4 (taken on record). As the petitioner was in custody since 15.02.2023, none of the 20 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail more so when the case was triable by the court of a Magistrate.

4. On the other hand, the learned State counsel as well as counsel for the complainant contend that the petitioner cheated the complainant of Rs.68 lacs. When the complainant started demanding money she filed a complaint with the investigating agency levelling allegations of rape against the petitioner as also her conduct in levelling false allegations of rape etc., did not entitle her to the concession of bail. They however concede that the petitioner was in custody since 15.02.2023 and that none of the 20 Pws have been examined so far and that the complaint levelling allegations of rape had been withdrawn.

5. I have heard the learned counsel for the parties.

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

The veracity of the prosecution case against the petitioner and

his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 15.02.2023, none of the 20 Pws had been examined so far and that the complaint levelling allegations of rape against the complainant had been withdrawn. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if she is granted the concession of regular bail. Therefore, her further incarceration is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Savita** daughter of Sh. Raj Kumar is ordered to be released on bail subject to a deposit of Rs.5 lacs and furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. 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 she is not involved in any other crime other than the cases mentioned in this order.

11. If the petitioner or any of her family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 29, 2024
Vinay

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