

Sahab Singh vs State Of Haryana on 5 July, 2024

Author: Anoop Chitkara

Bench: Anoop Chitkara

Neutral Citation No:=2024:PHHC:089706

CRM-M-24112-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.24112 of 2024 (O&M)

Date of Decision: 05.07.2024

Sahab Singh

...Pe((oner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Shera, Advocate
for the pe##oner.

Sh. Sanjeev Panwar, Addl. A.G., Haryana.

ANOOOP CHITKARA, J.

FIR No.	Dated	Police Sta(on	Sec(ons
327	07.08.2022	Farrukh Nagar, District 306, 34, IPC	Gurugram

1. The pe##oner incarcerated in the FIR cap#oned above has come up before this Court under Sec#on 439 CrPC seeking bail.

2. In paragraph 13 of the bail applica#on, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	O#ences	Police Sta#on
1.	329	-	356, 379, 354, 354B, 34, IPC	Najafgarh, Delhi

3. The petitioner contends that the pre-trial incarceration would cause an irreversible injury to the petitioner and family.

4. While opposing bail, the State contends that given the criminal past, the accused will likely indulge in crime once released on bail.

5. The prosecution's case is being taken from a reply dated 01.07.2024 filed by the Assistant Commissioner of Police, Pataudi (Gurugram). On 07.08.2022, the police received information about the suicide committed by one Sandeep. Then the police reached the spot and noticed that he was hanging on a tree. After that, the police also found a vehicle which was parked 50 meters away from the spot and had a suicide note. When Sandeep was moved to the Hospital, the Doctor declared him dead.

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6. On that date, one Munish moved a complaint that on the date of the incident at 11.54 am i.e. daytime, he had received a phone call from Sandeep, but he could not attend the call and when he called back after a few minutes, Sandeep told him that he is going to commit suicide and has already written a suicide note and disconnected the phone. After that, the complainant tried to call him a number of times, but he could not reach him. Subsequently, the complainant informed his nephew to find the whereabouts of Sandeep and later on came to know about his already having committed suicide by hanging. The complainant found a suicide note of two pages from his vehicle stating that Sahab Singh, the petitioner, had been torturing him for several days and was pressuring him to give money; otherwise, they would file a false case under Section 376 and 506 IPC. He had already extracted about Rs.3.00 lacs from him.

7. The complainant also stated that Sahab Singh had two wives, Sunil and Kavita. Kavita used to work in a spa center, and various cases have been filed against her. When the deceased Sandeep refused to give money, then, they gave the complaint under Sections 376 and 506 IPC in Police Station Phool Bagh. Due to this, the petitioner was under immense pressure, and he committed suicide, leaving behind his family.

8. The investigation connected the handwriting of Sandeep with other handwriting, and the suicide note was found to be truthful. Subsequently, on 21.12.2022, the petitioner and his wife, Kavita, were arrested. On 02.01.2023, co-accused Vipin Kumar and Saash Kumar, petitioner's sons, and another wife, namely Sunil Devi, were also joined in the investigation. However, their complicity was not found in the commission of the offense, and as such, they were kept in column No.12, in the report

Filed under Sec#on 173 Cr.P.C.

9. The pe##oner seeks bail firstly on the grounds that there is no evidence to connect the pe##oner with the commission of the offense. He submits that the allegations are leveled against the pe##oner's wife, Kavita.

10. However, counsel for the State submits that the pe##oner was named as the conspirator and he, along with his wife Kavita, were working as extortionists, he uses his second wife, Kavita, who firstly establishes sexual relations with males and then threatens them with the registration of FIR and then extorts money. The State's counsel further submits that if the pe##oner is granted bail, then it would encourage women to indulge in such type of crime.

11. Analyzing the arguments above would lead to the following outcome. It is appropriate to reproduce paragraph 11 of the reply, which reads as follows:

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"That pe oner alongwith the co-accused Kavita have made serious allegations against deceased. They had got FIR No.108 dated 29.07.2022 registered at P.S. Phoolbagh Bhiwadi for the commission of offences punishable under Sec on 376/506 IPC against the deceased with a view to extort money and had created such a situation that compelled the deceased to end his life and the deceased had told all his plight in the suicide note. No money had been recovered from the accused."

12. The above-captioned portion of the reply and the other investigation clearly point out that Kavita had registered an FIR against the deceased, intending to extort money. The suicide note is prima facie proved to have been written by the deceased. Given the above, the pe##oner is not entitled to bail on merits.

13. The pe##oner seeks bail because he is in custody for approx. 01 year and 07 months, considering the serious nature of the allegations, even the pe##oner's custody period cannot come to his rescue whereas 05 out of 23 PW's have been examined so far. However, the present custody cannot be considered to be enough, given the fact that if the deceased was convicted for the alleged allegation, he was liable to be sentenced to 10 years, which would have been much more.

14. Given the existence of many perverts and the increased reporting of the incidents of sexual assaults, the Legislature and the Executive are trying to control the crime only by making punishment harsher and harsher with every subsequent amendment. However, it has also led to false implications by taking advantage of stringent provisions and incidents of extortions are writ large.

15. In addition to the present FIR, the pe##oner has another case under Sec#on 354, IPC, registered against him, which points out towards his bad antecedents and contributes to an additional reason to deny him bail.

16. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and did not make out a case for bail. The sly way the petitioner and his accomplices conned, tricked, deceived, swindled, and defrauded the gullible people pointed out the dangerous trend of the revival of extortion, and if not sternly dealt with now, it might upsurge, revisiting the history. The gravity of the offence does not entitle the petitioner to bail at this stage. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

17. Given the petitioner's criminal past coupled with the gravity of the offence, it does not entitle the petitioner to bail at this stage.

18. Any observation made herein-above is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

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19. The petition is dismissed. All pending applications, if any, stand closed.

20. However, considering the petitioner's right to speedy trial coupled with the pre-trial incarceration, and because the petitioner has been in custody for almost one year and seven months, he shall be entitled to bail after two years of custody if the trial is not concluded during such period. It is clarified that the petitioner shall not seek any adjournment; if he does so, the time for which the matter shall be adjourned shall not be counted for the abovementioned purpose. It is clarified that if the delay is not attributable to the petitioner, then the petitioner may file an application for bail before the trial court, which shall decide it expeditiously and consider the bail on the grounds of pre-trial custody, and all the previous orders of dismissal passed by the trial court or by this Court shall not come in the way. It is further clarified that this relaxation is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial, and if they do so, this order of expediting the trial shall stand automatically recalled by resorting to Sections 403 and 528 of BNSS, 2023, without any further reference to this court.

Petition dismissed.

(ANOOP CHITKARA)
JUDGE

05.07.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	YES.

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