

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 17250 of 2015
Date of decision: 28.5.2015

Bhupinder Kumar

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: - HON'BLE MR. JUSTICE MAHESH GROVER

Present: - Mr. G.S. Kler, Advocate for the petitioner.

Mr. Deepak Garg, AAG, Punjab

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Mahesh Grover, J (Oral)

This is a petition under Section 439 of the Criminal Procedure Code for grant of bail in case FIR No. 21 dated 2.3.2015 registered under Sections 384, 388, 389, 420, 120-B and 506 of the Indian Penal Code.

The brief facts of the case are that the petitioner along with few others had extorted huge money from the complainant by blackmailing him with a threat of implication in a case under Section 376 of the Criminal Procedure Code and for this purpose they set up one girl by the name of Payal Arora. An amount of Rs. 14.88 lacs is alleged to have been taken from the complainant.

Learned counsel for the petitioner contends that the petitioner is in custody for the last 2 months and 25 days and the allegations according to the FIR even if taken to be correct indicates no direct role except that of conspiracy. Further, the complainant had based his allegations merely on suspicion against the petitioner.

Learned counsel for respondent on the other hand points out to the fact that the role of the petitioner has been established during the course of investigation and Rs. 50,000/- has been recovered from him. It is candidly conceded by the respondent that no other person has been arrested except the petitioner.

On due consideration of the matter, I am of the opinion that the allegations against the petitioner are primarily on the basis of suspicion of the complainant. Be that as it may, without commenting upon the merits of the case and further noticing the fact that the petitioner is in custody for the last 2 months and 25 days and challan has already been submitted and trial will likely to take some time as no other accused has been arrested, the petitioner deserves the concession of bail.

In view of the above, the instant petition is allowed. It is directed that the petitioner shall be released on bail in terms of Section 439 of the Criminal Procedure Code. Bail to the satisfaction of the learned trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

28.5.2015
preeti

(MAHESH GROVER)
JUDGE