

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.14700 of 2019
Decided on: 04.04.2019**

Deepak Sharma

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Manvender Chauhan, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.93 dated 05.02.2019, for offence punishable under Sections 384/389/120-B of the Indian Penal Code (in short 'IPC') registered at Police Station Civil Lines, Karnal, District Karnal.

Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered by one Mehar Singh, it is stated that he is resident of village Pucca Khera, Tehsil Asandh, District Karnal and has a cousin sister namely Sunita, who is married in village Pundrak and the daughter of Sunita namely Aarti is married in village Alampur, District Kurukshetra and the son of Aarti is married in Pipli with one Neha. On 23.10.2018, Neha ran away with her lover namely Subham resident of Pipli and returned back after 2 ½ months.

Parveen is an employee in Haryana Police and had got the case registered against Neha. Thereafter, Neha threatened him to involve him in a case and on 10.01.2019, she got an FIR No.15 registered under Sections 354, 354-D, 376(2)(N) IPC in Police Station Sadar Thanesar. In this connection, the complainant had met the family members of Neha, who informed him that this false case is registered by Neha on the asking of her lover – Subham and she is out of their control. When the complainant talked to Neha about this case, she stated that she has made the statement on the asking of her Lawyer and she will take further action as per the consultation with the Advocate and you may talk to her Lawyer namely Deepak Sharma (the present petitioner), who is a practicing Lawyer at District Courts, Kurukshetra. When the complainant contacted the present petitioner, he demanded Rs.7 lacs for cancellation of the case and further stated that he will get the statement of Neha recorded before the arrest of Parveen. Thereafter, in his presence, the petitioner made a phone call to Neha, in which there was a demand of money.

Counsel for the petitioner has further submitted that the petitioner is in custody for the last 01 month and 28 days and his further custodial interrogation is not required as the investigation is complete qua him. It is further argued that Neha is also arrested on 22.04.2019 and the petitioner has been falsely implicated in this case, just because he was representing her in the capacity of an Advocate.

Counsel appearing for the complainant has, however, submitted that the petitioner is involved in 03 other FIRs as noticed in the order of the Additional Sessions Judge dated 20.03.2019, however,

counsel for the State has submitted that the petitioner is not involved in the said 03 FIRs as he is not nominated as an accused.

Counsel for the State, on instructions from SI Manjoor Ali, has not disputed the fact that the investigation qua the present petitioner is complete and challan is likely to be presented.

Without commenting anything on merits of the case, considering the fact that the petitioner is an Advocate and he has no direct role in the family dispute of the complainant; the accused – Neha and he (the present petitioner) have been involved only on the allegations that he i.e. the petitioner had demanded some money for settling the case and also in view of the fact that the investigation qua the present petitioner is complete; he is in custody for the last 01 month and 28 days and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

04.04.2019
yakub

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