

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

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CRM-M-23755-2019 (O & M)

Date of Decision:30.05.2019

Baldev Kumar @ Deba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Gautam Dutt, Advocate for the complainant.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Baldev Kumar @ Deba has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.48 dated 28.04.2019, under Sections 386/506/148/149 IPC and Sections 25/27 of the Arms Act (Section 67-A I.T. Act, 2000 added later on), registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

The FIR was recorded on the statement of complainant namely Parveen Bansal, wherein it was alleged that on 06.02.2019, a call was received by him at around 10.00 PM from an unknown lady, who informed that she was standing in the colony and asked him to come out of the house otherwise she would kill him. According to the complainant, the lady kept on abusing and threatening the complainant and she conveyed it to the security guard namely Sukha. Complainant informed the lady that he had already dismissed Sukha from service about 10-12 days ago. Next day, the complainant watch the CCTV Footage installed at the gate of the colony and

came to know that it was Baljit Kaur wife of Saudagar Singh and 10-12

unknown persons armed with Kirpan, fire arms etc. had come on white colour activa who were standing near the gate. The incident was reported to SHO Giddarbaha. It was narrated that the lady had sent Baldev Krishan @ Deba to his house who informed the complainant that Baljit Kaur had formed a gang to extort money from innocent people and asked the complainant to enter into compromise with her. It was alleged that the said person asked the complainant that the dispute can be settled for a sum of ₹2 lacs and in case of non payment of amount, the complainant would be involved in a false case as some recording of the complainant was likely to be made viral to defame him. According to the complainant, after hearing the recording, the person went away and came back again to said that the lady did not agree for less than ₹2 lacs and asked the complainant that the matter can be settled for ₹60,000/- and took ₹15,000/- in cash from him. It was mentioned that the complainant has formed a gang and has extorted money from number of persons by preparing their videos. In the end, it was mentioned that Sukha Singh also recorded the audio of Baljit Kaur's daughter who threatened to get rape case registered against him. On these broad allegations above, the FIR was registered.

Learned senior counsel for the petitioner contends that the alleged occurrence was of 06.02.2019 and the complaint was given after a long delay on 28.04.2019. According to him, it is Baljit Kaur, who had allegedly entered into a conversation with the complainant and extended threats. It is further contended that the security guard namely Sukha Singh also had an audio clip which contained alleged threats on behalf of daughter of Baljit Kaur. Apparently, the case set up by the complainant against Baljit Kaur, who allegedly had formed a gang to cheat people by putting them

under the threat. Learned senior counsel has also contended that there is nothing to indicate that the complainant to connect the petitioner with the alleged crime. The entire case of prosecution is based on hearsay material.

On the other hand, the prayer is opposed by learned counsel appearing on behalf of the complainant as well as State counsel, who is assisted by SI Karamjit Singh. According to them, the petitioner participated in the crime and received ₹15,000/- from the complainant. It is contended by learned counsel for the complainant that there are FIRs against the petitioner, who is involved in this act of cheating people. However, learned State counsel is unable to point out even a single case registered against the petitioner except the present FIR. However, it is submitted by learned State counsel that the other persons (victims) are shown as witnesses and their statements are recorded under Section 161 Cr.P.C. It is not disputed that the petitioner is in judicial custody.

Considering the above background and the fact that the conclusion of trial will take considerable time, therefore, further detention of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

30.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No