

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

CRM-M No.12140 of 2020
Date of decision: 12th May, 2020

Sajjan Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Manish Bansal, Asst. Advocate General, Haryana puts in appearance on behalf of the State on his own.

In this first anticipatory bail under Section 438 Cr.P.C. filed by petitioner Sajjan Singh in case bearing FIR No.82 dated 12.02.2020 under Sections 120-B, 384, 420 IPC pertaining to Police Station Pehowa, District Kurukshetra. The precise allegations are that earlier an FIR was got registered between the parties on the allegations of rape and it is alleged that on 28.12.2019 the complainant received a telephonic call from a lady and acting on the same had gone to meet the lady at Ismailabad and at that time was accompanied by one Satish Batta. After having talk with the girl the parties returned back and subsequently the complainant received telephonic call that a case has been got registered

against the complainant in Women Cell and thereafter Jasbir Singh and Sunil Batta communicated to the complainant that they will be able to get the FIR cancelled subject to payment of ₹ 1.00 lakh and subsequently it transpired that a façade has been set up by the petitioner to blackmail the complainant in league with others including Gobind Ram, Laxmi Sharma etc. through a lady leading to registration of the present case.

Learned counsel for the petitioner Mr. Raghav Sharma, Advocate inter alia contends that the parties are closely related to each other and a civil litigation is pending over property and a false case has been got registered against the petitioners by the other side comprising of Mohinder Singh and others. It is submitted that nothing is to be recovered from the petitioner and his joining the investigations would serve the purpose.

On behalf of the State Mr. Manish Bansal, Asst. Advocate General, Haryana does not oppose the grant of bail but has sought to lay claim that the petitioner is instrumental in this nefarious blackmailing racket.

Going through the submissions of the two sides, as is apparent from the documentary record the parties are closely related to each other and have a land dispute which is pending in Court and thus, a debatable issue arises over the very culpability of the petitioner and applicability of offences which can only be adjudicated at the trial. In view thereof, this Court is of the opinion that no useful purpose will be

served by sending the petitioner behind bars and his joining the investigations would suffice. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so the petitioner shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he will abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 12, 2020

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No