

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

**CRM-M No.49456 of 2019(O&M)
Date of Decision: 21.12.2020**

Roop Lal @ Roopa

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Himanshu Puri, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.51 dated 26.07.2019 registered under Sections 420, 384, 385, 386, 387 IPC at Police Station Talwandi Chaudhrian, District Kapurthala.

The FIR was registered on the allegations of black magic in respect of container full of huge wealth dumped in the house of the complainant. Under the pretext of digging out the same and to be delivered to the complainant, the complainant allegedly paid huge cash amount to the petitioner on different dates. Petitioner is in custody since 19.08.2019. Challan has been presented, but charges have not been framed.

Learned State counsel on instructions from IO submits that the petitioner has played black magic and has channelized the behaviour of the complainant for illegal gain. Complainant has paid the petitioner in lacs of rupees and he is not entitled for bail.

Petitioner is in custody since 19.08.2019, charges have not been framed so far. The trial of the case may take some time in its culmination. Payment of the cash amount to the petitioner would be proved only on the basis of quality of evidence to be led by the prosecution.

Anything hidden under the earth belongs to the State. Any understanding to get it by way of inducement and payment thereof would be an illegal act and such type of illegality cannot be enforced. Co-accused Harbhajan Singh @ Bhajan Singh has already been granted anticipatory bail vide order dated 06.03.2020 passed in CRM-M No.51140 of 2019.

In view of above, without meaning anything on merits of the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

21.12.2020

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No