

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51969-2019
Date of Decision: 22.01.2020

Khushi

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.P.Sharma, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

On 16.12.2019 following order was passed:

“The petitioner is seeking anticipatory bail in FIR No.122 dated 09.05.2018, under Sections 420 & 120-B IPC, registered at Police Station Sadar, District Narnaul.

Learned counsel for the petitioner contends that it is alleged that the petitioner had introduced the complainant with two persons including a ‘Molvi’ and on the pretext of taking out evil spirits, the petitioner had extracted money from the complainant. He further contends that the allegations are highly improbable and the petitioner is not involved in any other case.

List on 22.01.2020.

In the meantime, the petitioner is directed to appear before the Investigating Officer and join investigation.

In the event of his arrest, the Investigating Officer/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Precisely the allegations against the petitioner are to the effect that an amount to the tune of Rs.11,00,000/- was extracted by playing deception which was concealed in a pit at the instance of the petitioner on the pretext of removal of some evil spirits from the house. The occurrence took place as back as in April 2018.

It has been stated by learned counsel for the petitioner that petitioner has joined the investigation and is no more required for custodial interrogation. Nothing is to be recovered from him and the allegation against the petitioner is only to the effect that the persons, at whose instance the complainant had put money in the pit, were sent at his instance. There is no allegation of any meeting or actual deception played by the petitioner upon the complainant.

Learned State counsel has not disputed the factual position of the case. In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners. The order dated 16.12.2019 is made absolute.

The petition stands allowed.

22.01.2020
Janki

(VIVEK PURI)
JUDGE

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