

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-54069 of 2019
Date of Decision: August 14, 2020

Hanuman & another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate,
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.444 dated 09.11.2019, under Sections 323, 342, 384, 388, 389, 506, 34, 120-B and 201 IPC, registered at Police Station, Sadar Fatehabad, District Fatehabad. The petitioners are in custody since their arrest on 11.11.2019.

The above FIR was registered on the statement of complainant Bhal Singh, wherein it was stated that on 01.11.2019 in the morning at about 9.10 a.m., he received a phone call from the phone number of Sunder asking him to talk to Rajni. He already knew Rajni, who was an accused in a case. Then, the complainant talked to Rajni and she asked him to discuss regarding some other case and to take the documents from her, upon which, he went to Dhani of Rajni at Khara Kheri, where accused persons were also present. They started giving beatings to him and stripped him and made his video. They threatened that in case he did not get Rajni acquitted in her

case, then a criminal case would be got registered against him. Sunder, Hanuman and another person had made his video. After giving beatings, they got signed a cheque of Rs.2 lacs of SBI from him and also took a gold chain, a gold karra and his purse containing Rs.7000/- and said that he could take all these items after paying Rs.2 lacs. Thereafter, on 02.11.2019, by calling Sunder, complainant went to him with Rs. 1 lac. In the Dhani, Sunder, Rajni, her husband Hanuman and one or two more persons were present. They counted the money and returned the chain, karra and empty purpose of the complainant. They told the complainant that the cheque and the writing which was executed would be returned after receiving the balance amount of Rs.1 lac and in case of non-payment of the balance amount, he would be implicated in a rape case. On 08.11.2019, complainant received a phone call from Sunder for bringing balance amount, upon which on 09.11.2019, he gave Rs.1 lac. According to complainant, the accused persons blackmailed him. On these broad allegations, the above FIR was registered.

Learned senior counsel for the petitioners contends that co-accused Rajni, who is similarly situated, was extended the concession of anticipatory bail. According to him, the complainant, namely, Bhal Singh was an advocate of the opposite side in another case against Rajni and a complaint was given by her against him regarding blackmailing her on 03.11.2019 (Annexure P-5). He submits that the allegations in the present FIR are false and the case has been registered under the influence of the complainant, who is an advocate. Learned senior counsel has contended that the investigation of the case is complete and, therefore, further custody of the petitioners may not be necessary.

On the other hand, learned State counsel, assisted by SI Ramesh Kumar, has opposed the prayer on the ground that the petitioners were present along with co-accused Rajni and gave beatings to the complainant. According to him, they did the photography/videography of the complainant, however, it is not disputed by him that the investigation of the case is complete and the final report was submitted on 09.01.2020.

At this stage, Mr. Lakhanpal, learned senior counsel has pointed out that till date even charges have not been framed and trial is likely to consume trial.

Considering the above background, custody of the petitioners and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioners after their arrest on 11.11.2019 are presently confined in judicial custody, therefore, their further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Fatehabad.

The petition is allowed.

August 14, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No