

CRM-M-19230-2021(O&M)

[1]

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

**Criminal Misc. No.M-19230 of 2021(O&M)
Date of Decision: May 26, 2021**

Arun Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Parshant Singh Chauhan, Advocate
for the petitioner.

Mr.Pankaj Middha, Addl.AG, Haryana.

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HARINDER SINGH SIDHU, J.

Arun Kumar has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.55 dated 26.02.2021 under Sections 386, 506, 34 IPC and Section 25 of the Arms Act, registered at Police Station Khol, District Rewari.

The FIR is registered on the complaint of one Shankar Singh. He stated that he lifts scrap from the factories of Gurgaon. On 25.02.2021 at about 1.30 pm, he was at Bilaspur Chowk, Gurugram. He received a call on his mobile from his friend Arun (petitioner) asking him as to where he was. The complainant informed that he was at Bilaspur Chowk. He also sent his location to Arun. After some time, Arun, Sujit Fauji and Rahul @ Bhondu and one Ashok came there in a Ritz car, which was without a number plate. Arun, Sujit Fauji and Rahul@ Bhondu sat in the car of the complainant. Ashok took the Ritz car. The three persons took the complainant to the house of Habaria alias Jorawar in village Majra. There

all of them consumed liquor. Thereafter, Sujit Fauji demanded Rs.3 lacs from the complainant. The complainant stated that he did not have the money. Then Habaria took out his country-made gun and threatened to kill the complainant. He also beat up the complainant. Due to fear, the complainant agreed to pay the amount. The complainant rang up his driver and got deposited a sum of Rs.1.5 lacs in the account of Habaria. He made a phone call to his house for Rs.1 lac. Rahul @ Bhondur and brother-in-law of Habaria brought Rs.1 lac from the house of the complainant. The complainant had Rs.50,000/- in his pocket. He gave that amount to Habaria. When the complainant was leaving the place Sujit @ Fauji asked him to give his chain. Due to fear the complainant gave his gold chain to Sujit @ Fauji.

Ld. Counsel for the petitioner has argued that from a bare perusal of the FIR it is apparent that the petitioner and complainant had friendly relations with each other. There was money transaction between the complainant and co-accused Sujit @ Fauji. The FIR has been got recorded as an afterthought only with a view to extort money from the accused. Even as per the FIR, it was accused Sujit @ Fauji, who demanded Rs.3 lacs from the complainant. It was Habaria who took out his country-made gun and threatened to kill the complainant. The petitioner never raised any demand from the complainant. No money was transferred to the account of the petitioner.

It is further argued that the petitioner is behind bars since 01.03.2021. The investigation in the case is complete and challan has already been filed. No useful purpose would be served by keeping the petitioner in custody during trial.

Ld. Counsel for the State on the other hand, has opposed to grant of bail. He has stated that during investigation, the country-made pistol, the gold chain have already been recovered. There are two other cases registered against the petitioner – (1) FIR No.55 dated 21.08.2020 under Sections 147, 148, 285, 427, 506 IPC and Section 25 of the Arms Act and (2) FIR No.17 dated 11.01.2020 under Sections 294, 323, 341, 506 IPC, both registered at Police Station Khol, District Rewari.

No doubt as per the FIR, it was accused Sujit @ Fauji, who demanded Rs.3 lacs from the complainant and it was Habaria who took out his country-made gun and threatened to kill the complainant. But it appears that all the accused shared a common intention to forcibly extort money from the complainant. The petitioner was an active participant. He was the one who called the complainant to know his location. He came there in a car accompanied by other co-accused. He made no effort to dissuade the others from forcing the complainant to part with money under fear of death or hurt.

Besides the petitioner also has criminal antecedents. There are two other cases registered against him.

No ground is made out for the release of the petitioner on bail at this stage.

Petition dismissed.

May 26, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No