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

**CRM-M-21525 OF 2021 (O&M)
DATE OF DECISION 18.06.2021**

**Dheeraj and another
versus**

...Petitioners

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Aman Pal, Advocate,
for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CRM NO. 16724 OF 2021

This is an application seeking amendment in the head note as well as prayer clause of the main petition by adding Section 384 IPC.

For the reasons stated in the application, same is allowed. Section 384 IPC is ordered to be added in the head note as well as prayer clause of the main petition.

MAIN CASE

The petitioners have approached this Court to seek regular bail in case FIR No.35 dated 15.02.2021 registered under Section 346 IPC (Sections 388/120-B IPC added later on), at Police Station Siwan, District Kaithal.

2. Per FIR, nephew of the complainant Gian Singh named Rahul, did not return home after going to Kaithal for some work. After lodging of

the aforesaid FIR in question, another FIR No.30 was also registered on 16.02.2021 under Sections 186/307/332/34/353/427 IPC, in respect of extortion demand made to Gian Singh, Pawan and Hardeep, threatening them that Rahul would be falsely implicated.

3. Learned counsel for the petitioners contends that petitioners have been falsely implicated in the case, in order to create a false defense in FIR No.43 registered under Section 376-D IPC, at Police Station Paschim Vihar, Delhi, against the nephew of complainant namely, Rahul. He further contends that present FIR is registered by the complainant in collusion with police official at police station Siwan. He further contends that all the allegations are against another accused Dharambir (brother-in-law of petitioner Dheeraj) who is serving in Delhi Police. He was posted at Police Station Paschim Vihar, Delhi, where an FIR under Section 376-D IPC has been registered against the nephew of complainant.

4. Learned counsel further strenuously argues that, apart from other grounds, the petitioners, on the sole ground of parity are entitled to be released on bail, as the main accused namely, Dharambir has already been granted concession of anticipatory bail by a co-ordinate Bench of this Court vide order dated 20.04.2021 passed in CRM-M-14767 of 2021.

5. Learned counsel also argues that investigation in the case is over and challan has been presented. The trial is not likely to commence or conclude anytime soon, due to current pandemic conditions.

6. Per contra, learned State counsel opposes the bail plea on the ground that there are serious allegations against the petitioner.

7. Having heard learned counsel for the petitioners, as well as learned State counsel, I am of the view that no useful purpose would be served

by keeping the petitioners behind the bars by way of further preventive custody. Investigation is since already over and challan has already been filed. The petitioners are stated to be in custody since 16.02.2021. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions.

8. Considering the overall scenario, I am of the view that no useful purpose would be served to keep the petitioners in further preventive custody. In the premise, without commenting on the merits of the case, the instant petition is allowed.

9. Both the petitioners shall be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

JUNE 18, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No