

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

Criminal Misc.-M No.26235 of 2020

Date of Decision: January 19, 2021

Toffie Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Farukh Abdullah, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.79 dated 03.03.2020, under Sections 379-A, 384 and 34 IPC, 1860, registered at Police Station, City Nuh, District Nuh. The petitioner is in custody since his arrest on 04.03.2020.

The above FIR was registered on the basis of complaint given by Mahesh Kumar and the allegations as noticed by the Addl. Sessions Judge, Nuh in the order dated 12.06.2020 are as under:

“Brief facts of the case of the prosecution is that on 03.03.2020 Mahesh Kumar presented written complaint with facts that he was having talks with a girl named Sabnam for last one year, on a proposal of friendship. Now in the recent time, she asked him to come for shopping with her at Nuh market. On 01.03.2020, in the evening 7.30/8.00 pm Sabnam called him asking him to join her over dinner and when he reached the place, he met Sabnam and two more persons. They robbed him of his driving license, ATM Card, phone and other personal belongings and demanded Rs.1 lakh failing which he will be

involved in false case. Complainant is a driver in Haryana Roadways and got frightened. Later under pressure of Sabnam, he promised to deliver Rs.40-50 thousand and in the meantime contacted police by this complaint. Police prepared a raiding team and apprehended the place and from there the lady Sabnam along with one person named Tofiq were arrested. On search, the personal documents of the complainant was recovered from them. Now FIR was registered.”

Learned counsel for the petitioner has argued that the investigation of the case is complete and despite framing of charges on 12.05.2020, no prosecution witness has been examined so far. He has produced the copy of the order dated 05.01.2021 passed in CRM-M-37789-2020, whereby co-accused Sabnam @ Sabita, has been extended the concession of regular bail. He submits that the petitioner is presently confined in judicial custody after his arrest on 04.03.2020, therefore, his further custody may not be justified, as the trial is likely to consume considerable time.

On the other hand, the prayer is opposed by learned State counsel, assisted by SI Ramesh Chand, on the ground that the petitioner along with the co-accused blackmailed the complainant (victim) and forced him to pay them in order to avoid false implication in a criminal case. He further states that the prosecution is yet to examine its witnesses and the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Nuh.

January 19, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No