

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

**CRM-M-29609 of 2020(O&M)
Date of Decision: 29.01.2021**

JAGSIR @ KALU @ DHAMAN

Petitioner.

Versus

STATE OF HARYANA

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This is petitioner's second petition seeking concession of bail pending trial in FIR No.120, dated 17.03.2020, under Sections 120-B, 328, 384, 389, 201 IPC, registered at Police Station City Tohana, District Fatehabad. First petition was dismissed as withdrawn on 15.07.2020.

As per allegations in the FIR, co-accused Divya had come to the restaurant owned by the complainant alongwith his brother, on 15.03.2020. She made enquiries regarding birthday celebrations to be held in the said restaurant. It is stated that said accused made the complainant unconscious by moving her hand near the complainant's nose and then took some obscene video of the complainant. Petitioner along with co-accused is accused of extortion of the complainant. Present petitioner is alleged to have made whatsapp calls on the

complainant's mobile. Further it is the prosecution case that there is evidence of telephonic conversation between the main accused-Divya and present petitioner, thus proving conspiracy between them.

Learned counsel for the petitioner submits that the petitioner is in custody since 18.03.2020 and he is not involved in any other criminal case. Allegations in this case are primarily against the co-accused Divya, who is in custody. It is submitted that there is no evidence on record to indicate any conspiracy between the petitioner and the co-accused and that the telephonic conversations as referred to do not indicate any conspiracy between the petitioner and co-accused. Moreover, complainant in this case has since been examined. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the respondent-State, on instructions from SI Suresh Kumar, verifies that the complainant has since been examined. Eight witnesses are yet to be examined. It is further verified that the petitioner is not involved in any other criminal case and has been in custody since 18.03.2020.

It is not in dispute that the allegations of intoxication of the complainant and making alleged obscene video is against the co-accused- Divya, who is in custody.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above, but without commenting upon or expressing any opinion on the merits of the case, this

petition filed by petitioner-Jagsir @ Kalu @ Dhaman, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate. Petitioner shall not try to contact the complainant or any of the prosecution witnesses. In case of any infraction, bail afforded to the petitioner, may be cancelled.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

29.01.2021		[LISA GILL]
s.khan		Judge
Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.