

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.50353 of 2021 (O&M)
Date of Decision.02.12.2021
(Heard through VC)

Maan Singh

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajinder Kumar Singla, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

:-

JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.176 dated 02.10.2021 registered under Sections 147, 149, 341, 384, 506 IPC at Police Station Raipur Rani, District Panchkula.

Brief facts as alleged are that complainant, who is proprietor of firm Shri Balaji Mines and Minerals, had been allotted contract of mining by the Government of Haryana in village Mandlai, District Panchkula. On 22.03.2021, when the complainant was going to mining site, Sarvan son of Barkha Ram, Prithi son of Ranga Ram, Satpal son of Risal, Karnail, Ex. Sarpanch, Naib son of Bachan, Joginder, Anil son of Balli, Ravi son of Barkha Ram, Maan Singh son of Mam Raj, Puran Chand son of Roshan Lal, Tarsem son of Duli Chand and other 8-10 persons of village Bhud stopped his vehicle forcibly and threatened to kill him while saying that mining vehicles cross over their lands and if the complainant did not give them

money, they will not allow the mining work done and crossing of the mining vehicle. Complainant out of fear requested them to come to his site office for a talk where the aforesaid persons extended threats to the complainant in the presence of his father Sanjeev Chaudhary and his father's friends Ranpal Singh and Pardeep Goyal and demanded ₹20 lakhs. The complainant gave ₹1,80,000/- in cash to them. However, they again demanded more money and the petitioner herein gave details of his bank account to transfer the money in the said account. On 23.05.2021, the complainant transferred ₹5 lakhs in the account of the petitioner herein. In this manner, the accused persons in conspiracy with each other extorted an amount of ₹6,80,000/- from the complainant.

Learned counsel for the petitioner herein would contend false implication that the petitioner is a daily wager and in fact, is a victim at the hands of the complainant. In fact, land of the petitioner measuring 4 kanals was taken on lease by the complainant for a sum of ₹30,000/- per month from September 2020 wherein he wanted to construct a shed. The petitioner was also doing labour work in complainant's firm from September, 2020 @₹15,000/- per month. The complainant did not pay a single penny to the petitioner and the amount of ₹5 lakhs transferred in the account of the petitioner is in fact arrears of the aforesaid rent and salary due to the petitioner. He relies upon transfer deed (Annexure P-2) whereby the land measuring 11 Kanals 6 Marals has been transferred by father of the petitioner namely Mam Raj in favour of the petitioner and his three brothers in equal shares. It is argued that other co-accused namely Shrawan Kumar and Ravi have already been granted pre-arrest bail by an order dated 17.11.2021 passed by the Additional Sessions Judge, Panchkula.

Learned counsel appearing on behalf of the respondent-State opposes grant of anticipatory bail to the petitioner by contending that an amount of ₹5 lakhs has been transferred in the bank account number of the petitioner and therefore, custodial interrogation of the petitioner would be required.

I have heard learned counsel for the parties and have perused the paper book. It is admitted fact that an amount of ₹5 lakhs has been transferred in the bank account of the petitioner herein allegedly extorted by the petitioner and other co-accused by extending threats to kill the complainant. The argument raised by counsel for the petitioner that the amount was due in favour of the petitioner with regard to rent for the land leased to the complainant and the salary from the month of September, 2020 *sans* merit, as it is incomprehensible that the petitioner was working as labourer at the mining site of the complainant for full one year without any wages and did not complain about the same at any stage. Further, the transfer deed (Annexure P-2) made by father of the petitioner for land measuring 11 kanals 6 marlas in favour of the petitioner and his brother in equal shares is dated 21.06.2021, registered on 01.07.2021, according to which petitioner's share comes to 2 kanals 8 marlas and not 4 kanals as alleged by him that he leased out 4 kanals of land to the complainant. In other words, the petitioner was not owner of the land of 4 kanals in any manner in September, 2020 as the transfer deed is of 01.07.2021, according to which also he becomes owner of 2 kanals 8 marlas and not 4 kanals. The investigation is at initial stage and therefore, custodial interrogation of the petitioner is required for recovery of ₹5 lakhs, which has allegedly been extorted by the petitioner and other co-accused and transferred in the bank

account of the petitioner.

Consequently, no ground for grant of anticipatory bail to the petitioner is made out. The instant petition stands dismissed. However, it is made clear that observations made by this Court are purely for deciding the application for grant of anticipatory bail to the petitioner and ought not to be construed as an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

December 02, 2021
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No