

CRM-M-2999-2022

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

CRM-M-2999-2022

Date of decision:04.03.2022

Robin Gollen

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.650 dated 16.11.2021, registered under Sections 307, 387, 34 IPC and Section 25 of the Arms Act, 1959 (Sections 506, 120-B, 120 IPC added later on), at Police Station Pundri, District Kaithal.

Copy of status report dated 28.02.2022, by way of affidavit of the Deputy Superintendent of Police, Kaithal, filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has nothing to do with the alleged offence, and rather he is a victim himself; that as per the disclosure statement of Amit @ Mitu, recorded on 21.11.2021, they had to attack the petitioner, but one of their gang members

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told them that the petitioner was his relative and would continue giving them protection/security money and he also told them that Prateek Nagpal was having a good business and they had made a plan to scare said Prateek Nagpal, instead of the petitioner, and that they went to his shop on 16.11.2021 at about 7.20 AM and had fired a shot.

He further submits that the investigating agency has presented the challan against the petitioner only under Section 120 IPC and that the petitioner has been in custody since 22.11.2021. He further submits that the acts done by the petitioner are within the domain of Section 94 IPC as the same was done by him under the compelling circumstances by the threats issued by the gangsters, and the petitioner had the apprehension that he might be caused harm, including instant danger to his life.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that co-accused Amit @ Mitu suffered a disclosure statement that earlier, their gang members were planning to demand a ransom from Robin, by firing shots at him, but the other gang members i.e. Virender Sambhi and Sumit @ Mitu told him that they had talked with Robin (petitioner) and he would give them some money from time to time and the petitioner told them about Parteek Nagpal whose shop was statedly doing good business. There are specific allegations against the petitioner that he was paying ransom to one gang member, but he had never informed the police regarding any threat received by him and had intentionally named the complainant.

I have heard the learned counsel for the parties.

As per the case of prosecution, some gang members

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threatening and compelling the petitioner for the ransom, which was being paid by him to save himself and the petitioner is accused of committing the offence under Section 120 IPC and even the challan against the petitioner has been presented for the said offence only. The petitioner has been in custody since 22.11.2021. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

04.03.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No