

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-8181-2022 (O&M)
Date of Decision:-13.5.2022

Sukhbir Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Neeraj Kumar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Sukhbir.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No. 91 dated 8.2.2022 under Sections 384, 120-B, 506, 389 of the Indian Penal Code at Police Station City, District Rohtak.
2. The FIR was lodged at the instance of ASI Pawanveer wherein he has stated that on 2.2.2022, information was received in police post that a woman had died in Jugnu Hotel, Jind; the said woman was identified as Ritu; after getting postmortem conducted, her dead body was handed over to her relatives; Ritu (deceased) had been found in suspicious circumstances in Jugnu Hotel, Jind and heroin had also been recovered from her; Hotel Jugnu was being run by Naresh, his partner Manoj and Sandeep, who is a relative of Manoj and works as a Sweeper and is stated to be supplying heroin to the

guests; pressure was mounted on Naresh to furnish information and to disclose the whereabouts of Sandeep; upon expiry of the agreement in favour of Manoj as regards running of the hotel, in the month of September, the hotel was being run by Sukhbir; on 5.2.2022, Sukhbir came to the police station alongwith his friend Lather alongwith another person in order to mount pressure on the police and prepared a video of Naresh on 5.2.2022 with the help of a spy-cam software while Naresh was detained in the police station and raised an allegation against the police that Naresh had been kept detained illegally; on 6.2.2022, at about 1.04 p.m., the said video was sent to the Home Minister with a complaint that Naresh has been kept in illegal custody for 5 days and further threatened that he would be sending the same to Anil Vij and to other news agencies; later, video was sent to the Superintendent of Police and the same was also published in media on 7.2.2022; one Vinay called the complainant on telephone on 7.2.2022 and said that he wanted to discuss something regarding Sukhbir Punia and about which the complainant called said Vinay to police post and said Vinay gave a pen-drive to the complainant while stating that the same contains video recording in respect of custody of Naresh; however, the said pen-drive was found to be 'corrupt'; when the complainant contacted said Vinay again telling him that the pen-drive was 'corrupt', Vinay gave another pen-drive to him and told him to fix a meeting with Sukhbir, failing which the complainant and his officers would be in trouble; a meeting was fixed on the next evening at 5 p.m; Vinay threatened the complainant that he should pay an amount of ₹ 25 lacs to Sukhbir failing which the complainant would be got removed from service; the deal was settled at ₹ 15 lacs; the complainant withdrew an amount of ₹ 1 lac from ATM and went to Delhi bypass where he

had been called by Vinay where Vinay made the complainant talk to Sukhbir on his mobile phone and promised that he will get all the videos deleted as well as withdraw the complaint.

3. It is further the case of prosecution that the pen-drive containing video recording was handed over to the police by the complainant. An amount of ₹10 lacs was handed over to Pawanveer so as to hand over the same to Vinay. It is the case of prosecution that when the said currency notes of ₹ 10 lacs were passed on to Vinay by Pawanveer, Vinay was caught red handed while in possession of an amount of ₹ 10 lacs.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case a perusal of the FIR would show that it is Vinay who had been interacting with the police officials and that it is Vinay who is alleged to have been caught red handed and found in possession of ₹ 10 lacs and that the petitioner was no where present either at the time of payment of said amount to Vinay and nor is stated to have directly threatened the police officials in the police Station. The learned counsel has further submitted that the allegations infact have been levelled falsely by the police officials as a counter-blast since the petitioner had submitted a complaint against ASI Pawanveer to Home Minister Anil Vij pertaining to the illegal detention of Naresh.
5. On the other hand, the learned State counsel has submitted that since it is a case where the amount of ₹10 lacs was recovered from co-accused, the allegations as levelled in the FIR stand duly substantiated and that the complicity of the petitioner would be evident. However, the learned State counsel has informed that pursuant to interim directions the petitioner has

since joined investigation and that he is not required for any custodial interrogation.

6. I have considered rival submissions addressed before this Court.
7. The allegations, as levelled in the FIR pertaining to some private individual threatening the police and demanding an amount of ₹ 25 lacs have to be considered very cautiously as normally a person would not dare to raise any allegation against police officials, much less demand an amount from the police official. In any case, it is the co-accused from whom the amount of ₹10 lacs is stated to have been recovered and who even as per FIR had been interacting with the police officials and had been raising demands of the amount, though on behalf of the petitioner. The petitioner, as per the FIR, has not come into the forefront. In any case since the petitioner is stated to have joined investigation and is not stated to be required for any custodial interrogation, the petition merits acceptance and is hereby accepted.
8. The interim directions issued by this Court vide order dated 25.2.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

13.5.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No