

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

CRM-M-14547-2022

Date of decision: 19.04.2022

SHRI BHAGWAN

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Jainainder Saini, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant application has been filed under Section 439 Cr.P.C. FIR No.319 of 03.09.2021, constitutes therein offences under Sections 387, 34 of Indian Penal Code, and, Section 25 of Arms Act, 1959, and, (Sections 120-B, 201, 341 of IPC added later on), and, is lodged at Police Station Adampur, District Hisar, therein, the incriminating offences are attributed to be committed by the bail petitioner.

2. The principal accused are alleged to attempt to extort Rs. 2 lacs, at the crime site, from the victim/complainant, and, for facilitating the afore extortion, one of them is alleged to plant the incriminatory weapon of offence, at the temple of the victim/complainant.

3. The learned State counsel fairly submits, that the bail petitioner is not one amongst the principal accused, who attempted to, at the crime

site, hence extort money in the afore manner, from the victim/complainant. However, he submits, that the bail petitioner provided to the principal accused the cell phone number of the victim/complainant, and, that extortionate calls become made thereons rather by the concerned. He further submits, that even the identity of the accused, at the crime site, is revealed, not only through the providing to the principal accused by the present petitioner, the cell phone number of the victim/complainant but also through *inter-se* conversation occurring amongst concerned, over their respective cell phone numbers.

4. The afore assigned role to the present bail petitioner, is of lesser gravity, than the role, ascribed to the principal offender. Needless to say, that the call details, with respect to the extortionate calls, being made by the principal accused from their cell phone numbers concerned, to the cell phone number of the victim/complainant, would obviously be collected, by the investigating officer concerned, from the service provider concerned, or may have already been collected. Therefore, no recovery, qua above, and, at the instance of the bail petitioner, is to be effected, to the investigating officer concerned.

5. Consequently, and, also bearing in mind the fact, that the present bail petitioner is suffering incarceration since 02.01.2022, thereupon, this Court deems it fit to grant the benefit of regular bail to him. The instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, subject to his furnishing personal, and, surety bonds in the sum of ₹25,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not

influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance.

6. Copy dasti.

19.04.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No