

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

220

CRM-M-15316-2022 (O&M)

Date of Decision: 05.05.2022

SURESH MEENA AND ANR

... Petitioners

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. G.S. Sandhu, Advocate
for the petitioners.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.402, dated 04.08.2021 under Sections 420, 506 & 120-B of the Indian Penal Code, 1860 and Section 67 of the Information Technology Act, registered at Police Station Civil Lines Karnal, District Karnal.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that the FIR in question has been registered at the instance of complainant Bishamber Dass, who retired as SDO from the Irrigation Department. It has been alleged by him that he had received a friend request from a girl named Mahi and he accepted the same. The said girl sought the WhatsApp number of the complainant, whereupon the complainant received a video call, in which the said girl was talking to him in nude condition. The said girl demanded a sum of Rs.11,000/- from the complainant. The complainant claims to have disconnected the said call and blocked the said

number. He claims to have received yet another call from an unknown person and the caller asked the complainant to deposit a sum of Rs.25,500/-, failing which they threatened to upload the video on YouTube. In order to save his own honour, the complainant deposited various sums of money totalling an amount of Rs.10,26,500/-.

Learned counsel for the petitioners contends that the petitioners are not named in the FIR in question and no money has ever been demanded by the petitioners from the complainant. The main accused in the instant case are one Mohd. Arif and one Mohd. Kasim alongwith the alleged girl, who introduced herself as Mahi. It is submitted that the said accused had sought papers of the petitioners on the pretext of securing a Govt. Job for them and had opened a bank account in their name in which a sum of Rs.3,50,000/- was deposited. He submits that the petitioners never withdrew any money from the said account. It is pointed out that the petitioners were working as Waiters and had come in contact with the main accused Mohd. Arif and Mohd. Kasim and they fell in the trap of the said main accused persons for the sake of brighter prospects and for securing a Government Job for them. It is further argued that the petitioners are in custody since 22.12.2021 and they are no longer required for the purposes of investigation of the case as no recovery has to be effected from the petitioners.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana does not controvert the said facts. However, it is pointed out by him that main accused Mohd. Arif and Mohd. Kasim have not been arrested so far.

I have heard the learned counsel for the parties and have gone through the documents appended with the petition.

The failure on the part of the investigating agency to arrest other co-

accused cannot be cited as a valid ground for declining the concession of bail to the accused, who are already in custody. Besides, the investigation with respect to the petitioners is already complete and nothing is to be recovered from them. It is also not disputed that no amount was demanded by the petitioners from the complainant and that the amount transferred in the account opened in the name of the petitioners was never withdrawn. It is apparently a case of honey-trap, wherein the petitioners themselves fell in the trap of the masterminds namely Mohd. Arif and Mohd.Kasim.

Therefore, taking into consideration the circumstances noticed above, period of custody, stage of trial and also the fact that the conclusion of the trial shall take long time, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioners will not extend any threat and will not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

05.05.2022
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No