

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

213

**CRM-M-22474-2022 (O&M)
Date of decision: 27.05.2022**

RAVI @ RAVI KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

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

Present : Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional AG 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 bearing 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, 2000 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 Bishambar 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 petitioner contends that the petitioner is not named in the FIR in question and no money has ever been demanded by the petitioner from the complainant. The main accused persons 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 persons had sought papers of the petitioner on the pretext of securing a Govt. Job for them and had opened a bank account in his name in which a sum of Rs.3,50,000/- was deposited. He submits that the petitioner never withdrew any money from the said account. It is pointed out that the petitioner was working as a Waiter and had come in contact with the main accused Mohd. Arif and Mohd. Kasim and he fell in the trap of the said main accused persons for the sake of brighter prospects and for securing a Government Job for him. It is further argued that the petitioner is in custody since 10.02.2022 and he is no longer required for the purposes of investigation of the case as no recovery has to be effected from the petitioner.

Mr. Ashish Yadav, Additional AG 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. He further submits that the petitioner had received a sum of Rs.8,000/- for giving his documents to the co-accused persons to operate the entire scam. It is however not disputed that the amount so

transferred in the bank account opened in the name of the petitioner was never withdrawn by him and that the only benefit obtained by him was the sum of Rs.8,000/-. It is also not disputed that the petitioner is in custody since 10.02.2022 and that even though the investigation in the case is already complete, charge has not been framed 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 petitioner is already complete and nothing is to be recovered from him. It is also not disputed that no amount was demanded by the petitioner from the complainant and that the amount transferred in the account opened in the name of the petitioner was never withdrawn. It is apparently a case of honey-trap, wherein the petitioner himself 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 a long time, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is 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 petitioner 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

May 27, 2022

S.Sharma(syr)

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