

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 27672 of 2022

Date of Decision: 06.7.2022

Harmail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. K.S.Brar, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. Piyush Setia, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 438 Cr.P.C., the petitioner claims indulgence of his becoming admitted to anticipatory bail, in respect of FIR bearing No. 0052 of 23.5.2022, registered at Police Station Bahawala, District Fazilka, constituting therein offences under Sections 365, 506, 148, 149 of the IPC, and, under Section 25, 27 of the Arms Act, 1959.

2. The incriminatory role, as assigned to the present petitioner is that he extorted a sum of Rs. 2.00 lacs from the complainant.

3. Though, there is a dispute amongst the present petitioner, and, the complainant with respect to certain payments arising out of the purchases of petrol/diesel, as, made by the accused from the retail outlet of the complainant, but the recoveries of the afore sums of money could not be

prima facie endeavoured to be made by the deployments of extortionate

stratagems by the present accused.

4. The effect of the afore, is that, unless the extorted sum of Rs. 2.00 lacs by the present petitioner from the complainant, is either deposited in the establishment of the learned trial Magistrate concerned, but leaving its disbursement to the concerned, only on the conclusion of the trial, as may become entered into by the learned trial Magistrate concerned, and/or, upon a composition occurring amongst the present petitioner, and, the complainant, rather ultimately leading the investigating officer concerned, to institute a cancellation report, before the learned trial Magistrate concerned, thereupon, this Court would not become constrained to admit the petitioner to anticipatory bail. However, the learned counsel for the petitioner, on instructions given to him by the latter, submits that the present petitioner is ready, and, willing to deposit a sum of Rs. 2.00 lacs, in the establishment of the learned trial Magistrate concerned, and, he also submits that its release to the concerned, be made subject to the outcome of the trial, as may become entered into by the learned trial Magistrate concerned.

5. Therefore, in the wake of the above, this Court becomes constrained to admit the present petitioner, to anticipatory bail, but only subject to his, within a week from today, depositing a sum of Rs. 2.00 lacs in the establishment of the learned trial Magistrate concerned. However, its disbursement shall be regulated by the outcome of the trial, as may become entered into by the learned trial Magistrate concerned.

6. Consequently, the petition is allowed. The bail applicant-petitioner is admitted to anticipatory bail, on the conditions (supra), and, in the event of his arrest, he may not be arrested by the investigating officer

concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering cooperation to the investigating officer. Moreover, he shall also give an undertaking that he shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

7. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

July 06, 2022
Gurpreet

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