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

**CRM-M-29558-2022 (O&M)
Date of Decision: 17.10.2022**

Nishant

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Bishnoi, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-31723-2022

Learned counsel for the applicant/petitioner prays for
withdrawal of the present application.

Dismissed as withdrawn.

CRM-29414-2022

For the reasons mentioned in the application, the same is
allowed and the statement of the complainant (PW1) recorded on
26.07.2022 before the learned Trial Court as Annexure P-3 is taken on
record.

CRM-M-29558-2022

The present petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioner in case

bearing FIR No.162 dated 04.03.2022, under Sections 384 & 506 IPC but during investigation Sections 387, 506, 120-B & 34 PC were added and Section 384 IPC has been deleted, registered at Police Station City Sirsa, District Sirsa.

It has been submitted by learned counsel for the petitioner that it is a case where the petitioner is not a habitual offender and is not involved in any other case and the present was a case based upon some misunderstandings with the complainant. He further submitted that even as per the allegations in the FIR, some unknown person had called the complainant for extortion of Rs.10 lacs, but thereafter at the time of deposing before the learned Trial Court as PW-1, the complainant has not supported the prosecution version. He also submitted that the investigation of the case has already been completed and challan has also been presented before the competent Court and the petitioner has already faced incarceration for about 9 months. He further submitted that the petitioner is not involved in any other case and has got clean antecedents and the present case is triable by the Magistrate and has, therefore, prayed that the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana has stated that it is correct that the petitioner has faced incarceration for about 9 months and the investigation of the case has already been completed and in pursuance of the alleged telephone call, no exchange of money has taken place. He further submitted that it is also correct that the complainant while deposing as PW-1 has not supported the prosecution version and the petitioner is not involved in any other case. He

has however opposed the grant of bail to the petitioner on the ground that the allegations against the petitioner are serious because one of the WhatsApp call was traced to a Pakistani number as well.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for about 9 months. The investigation of the case has already been completed and challan has also been presented before the competent Court. Both the learned counsels for the parties have stated that the complainant himself has not supported the prosecution version while deposing as PW-1 and the case is triable by the Magistrate. Apart from the above, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.10.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |