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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38912-2021
Date of Decision: 12.05.2022

Farman Kataria

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohammad Arshad, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Mr. Rohit Rana, Advocate, for
Mr. Kunal Dawar, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

An affidavit has been filed by the Assistant Commissioner of Police, Sohna, Gurugram which is taken on record.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.300 dated 18.08.2021, under Sections 384, 419, 420 read with Section 34 IPC, registered at Police Station City Sohna, District Gurugram.

The present FIR was lodged on the basis of complaint made by one Jitendra Bansal who had sent the complaint to the RTO by alleging that his vehicle has been stopped and some RTO officer are threatening to

challan the vehicle and are demanding Rs. 15,000/- for releasing the vehicle. Thereafter, an amount of Rs. 15,000/- was transferred to PhonePe in the name of the petitioner and thereafter, it was found that the aforesaid RTO party consisting of four persons were not from the office of the RTO and they were fake persons.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and the story with regard to the aforesaid stopping of the vehicle has been concocted by the police in connivance with the complainant. He further submitted that this Court on 13.10.2021 has granted interim protection to the petitioner and in pursuance thereof, he has already joined investigation and has cooperated with the investigation process and has prayed that the interim bail granted to the petitioner may be confirmed.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that in the affidavit which has been filed today it has been stated that the petitioner is also involved in one more case under Section 279 and 304-A IPC. He further submitted that an amount of Rs. 15,000/- has been transferred in the name of petitioner to PhonePe and he has sought instructions from the concerned I.O. to state that now the petitioner has joined investigation. He has however raised an objection by stating that the petitioner has not disclosed the name of other three persons and, therefore, he has not cooperated with the investigation process.

Mr. Rohit Rana, Advocate has appeared on behalf of Mr. Kunal Dawar, Advocate, for the complainant and has submitted that in fact the matter has been compromised between the parties as the aforesaid

allegations were based upon some misunderstanding and for that purpose a separate quashing petition based upon compromise has also been filed bearing CRM-M-42800-2021.

I have heard the learned counsel for the parties.

As per the allegation the petitioner had extorted an amount of Rs. 15,000/- from the complainant on the pretext that he is a part of the RTO party and would challan the vehicle of the complainant unless an amount of Rs. 15,000/- paid and thereafter, an amount of Rs. 15,000/- was transferred to PhonePe. On a query being raised to the learned Additional Advocate General, Haryana during the course of arguments as to whether present allegation pertains only to one person in isolated case or there are allegations against the petitioner pertaining to other persons also or not, learned Additional Advocate General has sought information from the SI Krishan Kumar who is also present in the Court and has stated that this was only an isolated incident which has been reported. Learned counsel for the petitioner has also raised an argument that the present case was planted upon the petitioner. It appears that had there been the case where the petitioner was heading any fake RTO party, then he ought to have taken money from many other persons but the same is not the case in the present case. The argument raised by the learned counsel for the petitioner does carry some weight. Apart from the same, now even the learned counsel for the complainant has appeared before this Court and has stated that it was due to misunderstanding that the aforesaid complaint was made by the complainant to the RTO office. Even a separate petition for quashing of the FIR based upon compromise has also been filed which is pending before this Court on the even date.

The objection raised by the learned Additional Advocate General, Haryana that the petitioner is not cooperating by disclosing the name of three other co-accused cannot become a ground for denial of the bail to the petitioner in view of the aforesaid facts and circumstances.

In view of the above, the present petition is allowed and the order dated 13.10.2021 whereby the petitioner was granted interim bail is hereby made absolute. The petitioner shall keep on joining the investigation as and when called by the Investigating Officer and shall comply with the conditions contained under Section 438(2) Cr.P.C.

12.05.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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