

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35797-2022 (O&M)

Date of Decision: 21.12.2022

Vikram Rathi

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Dharamvir Sharma, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.177 dated 8.4.2022 registered for the offences punishable under Sections 387 IPC (Section 506, 34 IPC added later on) at Police Station Pataudi, District Gurugram.

Counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and was later on arraigned as accused alleging that he used mobile phone No.93065-92946 belonging to co-accused Aman to make extortion calls to the complainant; that the petitioner was arrested on 8.4.2022 and even aforesaid co-accused Aman was also arrested but is already granted regular bail by the Court of Judicial Magistrate, 1st Class

vide order dated 12.4.2022 (Annexure P-4). He further submits that after completion of investigation, the police has presented the challan and trial has commenced but till date, only two prosecution witnesses are examined and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

Present petition is opposed by the State counsel as well as counsel appearing on behalf of the complainant, both of whom, have submitted that the petitioner who is having criminal history, used to make extortion calls to the complainant by using mobile phone of co-accused Aman. However, the State counsel has not refuted the fact that the petitioner is in custody for the last more than 8 months and now the trial has commenced but till date, only two prosecution witnesses are examined out of total 16 witnesses.

I have considered the submissions made by the counsel for the parties.

All the offences are triable by the Court of Judicial Magistrate, 1st Class and recoveries are already effected and the trial has commenced but it will take time for conclusion of trial as till date, only two prosecution witnesses are examined. As far as criminal history of the petitioner is concerned, counsel appearing on his behalf has clarified that the petitioner is enlarged on bail in all the said criminal cases faced by him. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

December 21, 2022

Paritosh Kumar

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