

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45203-2022
Date of Decision: 11.10.2022

Dinesh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parveen Kaushik, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0226 dated 03.07.2022, under Sections 387, 506 IPC and Section 25 of 54 of Arms Act, registered at Police Station Sector-06, Bahadurgarh, District Jhajjar, Haryana.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 04.07.2022 and the investigation of the case has already been completed and thereafter, the challan has been presented before the competent Court. He submitted that the petitioner is not a habitual offender and is not involved in any other case and he has been falsely implicated in the present case only because of the reason that there was a phone call from the phone number of the petitioner to the complainant and thereafter, as per the allegations, after one week two muffled persons had come in the property of the complainant wherein they threatened for taking money but no exchange of

money had taken place at all. He submitted that the mere fact that there was a phone call by the petitioner would not connect the petitioner with the persons who had come with muffled faces after one week who are the co-accused and were also arrested. He submitted that be that as it may, investigation of the case has already been completed and it is not a case where some money has been paid to anybody and therefore, has prayed for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and the investigation of the case has been completed and the allegations against the petitioner were that he had made a phone call to the complainant and demanded Rs. 2 crores and he had sent the other two persons with muffled faces and there was a recovery of mobile phone and SIM Card from the petitioner. He submitted that the petitioner is not involved in any other case.

I have heard the learned counsel for the parties.

The petitioner is in custody from 04.07.2022 and the investigation of the case has been completed. As per the learned counsel for the parties, it is not a case where some amount has been transferred in favour of anybody but allegations against the petitioner were that he had made a phone call to the complainant and demanded Rs. 2 crores and after about one week two persons with muffled faces had come and threatened the complainant. The investigation of the case has already been completed and the involvement of the petitioner can be seen only at the time of trial. The petitioner is stated to be not involved in any other case as per the learned counsel for the parties. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from

justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

11.10.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking : Yes/No

Whether reportable : Yes/No