

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

210

CRM-M-50294-2021

Date of Decision: 24.11.2022

Aman Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: None for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Sanjeev.

Mr. Kuldeep Sheoran, Advocate,
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.131 dated 25.05.2021 at Police Station DLF Phase-III, District Gurugram under Sections 323, 328, 342, 379-A, 385, 389, 506, 34 of Indian Penal Code and Section 25 of Arms Act.
2. At the time of issuance of notice of motion on 02.12.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.131 dated 25.5.2021 at Police Station DLF Phase-III, District Gurugram under Sections 323, 328, 342, 379-A, 385, 389, 506, 34 of Indian Penal Code and Section 25 of Arms Act.

The FIR was lodged at the instance of Satish Panwar, wherein it is alleged that on the asking of Ms. Asmita, who had represented that she was in need of money, the complainant went to her

room, where she was residing and he was offered water and something to eat. Shortly thereafter, 2-3 persons carrying pistols and mobile phones also came there and snatched his mobile phone and purse and asked for password of his bank account and detained him with an intention to seek ransom. It is alleged that subsequently he lost consciousness and when he woke up everybody had left except for Mohit Sharma and Asmita, who threatened him to pay an amount of Rs.20 lakhs, failing which his photographs would be circulated. The complainant alleged that his gold chain and an amount of Rs.10,000/-was missing. It is further alleged that later the accused demanded an amount of Rs.20 lakhs over phone and kept on calling him repeatedly and also spoke to his wife.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and although his name is referred to in the FIR in the array of accused but no role whatsoever is attributed to him. It has further been submitted that the petitioner has a clean record and is not wanted in any other case.

Notice of motion for 7.4.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation, but is not cooperating inasmuch as he has not got the amount of Rs.10,000/- as well as a gold chain recovered. It has also been informed that the petitioner otherwise is not involved in any other case.

4. The allegations broadly pertain to snatching of a gold chain and Rs.10,000/-. The petitioner is stated to have joined investigation. The contention of the learned State counsel for declining the bail on the ground that the petitioner has not got the amount of Rs.10,000/- and a gold chain recovered, cannot be accepted inasmuch as the petitioner cannot be forced to get the said articles recovered, as the same would virtually amount to forcing a confession. Since the petitioner otherwise has a clean record and is stated to have joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 02.12.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

24.11.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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