

2023:PHHC:070011

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

CRM-M-20528-2023

Date of Decision: 15.05.2023

LAL CHAND BANSAL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Paras Talwar, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Rupinder Khosla, Senior Advocate with
Mr. Aman Sharma, Advocate,
for the complainant.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.5 dated 30.01.2023 under Sections 419, 420 and 384 IPC registered at Vigilance Bureau, Flying Squad-1, Punjab.

2. Reply by way of affidavit of Ajay Kumar, Deputy Superintendent of Police, Vigilance Bureau, Flying Squad-1, Punjab and custody certificate have been placed on record

3. Learned Senior counsel for the petitioner contends that the allegations against the petitioner are with regard to blackmailing the complainant, who is working as a Municipal Engineer in Municipal Council, District Patiala. As per the allegations, the petitioner had raised a demand of Rs.50 lac in cash and transfer of property valued Rs.1.5 crore from the complainant in favour of the petitioner by blackmailing him. The matter was reported to Vigilance Bureau and a trap was laid. In pursuance

thereof, the petitioner was caught red handed while demanding and accepting Rs.5 lac. It has been submitted that though the petitioner was involved in two other cases at the earlier instance, but he has been acquitted in the case bearing FIR No. 153 dated 05.09.2013 under Sections 406, 420 and 120-B IPC registered at Police Station City Kharar and in another case bearing FIR No. 228 dated 22.11.2015 under Sections 384, 511, 506 and 120-B IPC registered at Police Station City Kharar, a cancellation report has been prepared. Furthermore, the offence under Sections 419 and 420 IPC have been deleted and the challan has been presented only under Section 384 IPC. The said offence is punishable with imprisonment for a period of 03 years and triable by the Court of learned Judicial Magistrate 1st Class.

4. Learned State counsel and learned Senior Counsel for the complainant have opposed the bail application on the score that serious allegations with regard to blackmailing the officers/officials of Municipal Council have been levelled against the petitioner. The petitioner is a habitual blackmailer and two Resolutions have also been passed by the Municipal Council, Kharar and Kurali against the petitioner. Furthermore, another complaint has been received against the petitioner and the matter is under process for registration of FIR.

5. Be that as it may, the arrest of the petitioner has been effected on 30.01.2023, the investigation of the case is complete and challan has been presented only 20.03.2023 with regard to commission of offence under Section 384 IPC. The prosecution is seeking to examine 15 witnesses and the conclusion of trial is likely to take some time. Moreover, as per the reply, the petitioner is involved in two other cases but he is stated to be acquitted in one case and in another case, cancellation report has been

prepared. Furthermore, another complaint has also been allegedly received against the petitioner but on the basis of said complaint, the FIR has not yet been registered. The petitioner is in custody for a period of about 3½ months and nothing is to be recovered from the petitioner. The conclusion of trial is likely to take some and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

15.05.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No