

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20998-2023

Date of Decision: 24.5.2023

Bintu Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Shashi Kumar Yadav, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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.127 dated 2.7.2022 registered for the offences punishable under Sections 323, 384, 427, 506, 34 IPC (Sections 379-B IPC added later on) at Police Station Loharu, District Bhiwani.

2. The allegations in brief are that co-accused Meena alias Meenu conspired with Surender and Satender and they extorted money from complainant-Sarup Singh by calling him to a particular place where his objectionable photographs along with Meena alias Meenu were taken by other two accused persons in order to blackmail him.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and was not named in the FIR and later on, named as accused. He further submits that the petitioner

was arrested in this case on 12.12.2022 and no incriminating article was

recovered from his possession and after completion of investigation, the police has presented the challan. He further submits that main accused/Meena alias Meenu is already enlarged on bail by this Court vide order dated 3.2.2023 (Annexure P-4). So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who submits that the petitioner was party to the plan which was made by co-accused Meena alias Meenu, Satender and Surrender to extract money from the complainant by blackmailing him by taking his objectionable photographs. However, State counsel on instructions from SI Rohtash has not disputed the fact that the petitioner was arrested on 12.12.2022 and that the petitioner was not named in the FIR and was later on, arraigned as accused on the basis of the disclosure statement of co-accused Meena alias Meenu and that challan stands presented. State counsel has also not disputed the fact that co-accused Meena alias Meenu is already given benefit of regular bail vide order dated 3.2.2023.

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

6. Admittedly, the petitioner was not named in the FIR and later on, named as accused on the basis of the disclosure statement of co-accused Meena alias Meenu who is already granted regular bail vide order dated 3.2.2023 (Annexure P-4). It is matter of evidence as to whether the petitioner was involved in extortion racket as has been alleged by the complainant. Further, the alleged disclosure statement made by co-accused against the petitioner will be tested during trial and the petitioner is in custody for the last more than 5 months and after completion of

investigation, challan is presented but the trial is at its initial stage. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. 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 regular 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

May 24, 2023

Paritosh Kumar

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