

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.34090 of 2023
Date of decision: 22nd August, 2023

Nasir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Palvi, Advocate for
Mr. Mazlish Khan, Advocate for the petitioner.
Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.130 dated 28.04.2023 under Sections 294, 420, 467, 468, 34 IPC registered at Police Station Punhana, District Nuh.

2. Learned counsel for the petitioner inter alia submits that totally false allegations have been levelled against the petitioner of blackmailing innocent people by showing them obscene videos and thereafter, extracting money. She submits that the petitioner has clean antecedents which in turn lend credence to a false and fabricated case having been planted upon him. Learned counsel further submits that the petitioner has now been in custody since 28.04.2023 for offences triable by Magistrate. It has also been submitted that after challan was

presented on 24.07.2023, charges had still not been framed, hence the trial was unlikely to conclude in the near future. A prayer has, therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that a secret information was received qua the petitioner and co-accused that they were stopping innocent people on the road and after showing them obscene videos, blackmailing them and extracting money. She, on further instructions, submits that the petitioner was apprehended at the spot pursuant to the secret information received and recovery of a mobile phone effected from him. However, learned State counsel has not been able to dispute, on instructions, that the petitioner is not involved in any other criminal case much less a case of similar nature. She, on further instructions, has apprised the Court that charges are likely to be framed today before the trial Court and as many as 31 prosecution witnesses have been cited by the investigating agency.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 28.04.2023 in a case of Magisterial trial. Investigation is complete and in the circumstances, further incarceration of the petitioner in the case in hand would serve no useful purpose. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the

concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 22, 2023
rps

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