

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

Criminal Misc. No.M-40830 of 2022(O&M)

Date of Decision: February 17, 2023

Ravi Nath

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Jai Vir Yadav, Senior Advocate assisted by
Mr.Nitish Sharma, Advocate for the petitioner.

Mr.Ashok Singh Chaudhary, Addl.AG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.49 dated 26.03.2022 under Sections 387, 506 IPC (later on added 201, 120-B IPC and Section 25(1-b)(a) Arms Act), Police Station Sushant Lok, District Gurugram.

The FIR was lodged on the statement of one Rohit Kapoor, who got recorded that on 26.03.2022 at 4.00 PM, he received a whatsapp call from '8800632302' on his mobile number. The caller threatened him with dire consequences, if the complainant does not pay Rs.50 lakhs to him within two days. The caller claimed himself to be Neeraj Bawan. On asking again, he refused to give his name. The caller further told the complainant that he will call in two days time, if the above payment is not made.

Mr.Jai Vir Yadav, Ld. Senior Counsel for the petitioner has

contended that neither the petitioner is named in the FIR nor any role attributed to him. It is further argued that there is no recovery from the petitioner. The name of the petitioner cropped in the disclosure statement of co-accused Deepak @ Mitti, who allegedly stated that the mobile number of the complainant was provided to him by the petitioner. As per prosecution, it was Deepak @ Mitti, who claimed himself to be Neeraj Bavana and demanded extortion from the complainant. The alleged recovery of one pistol and two live cartridges is also effected from co-accused Deepak.

Ld. Senior Counsel has further argued that the only allegation of providing mobile phone number of the complainant based upon the disclosure statement of co-accused, has no evidentiary value. The petitioner has been behind bars since 05.04.2022. The petitioner has clean antecedents and has never been involved in any other case.

In view of the above, without expressing any opinion on the merits of the case, considering the custody period of the petitioner, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

February 17, 2023

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No