

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46992 of 2021(O&M)

Date of Decision: 25.01.2023

Vijay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Raman Chawla, Advocate
For the petitioner.

Mr. Naveen Sheoran, DAG Haryana.

Mr. V.P. Sangwan, Advocate
For the complainant.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 221 dated 06.09.2021, registered under Sections 387 and 506 IPC at Police Station Badhra, District Charkhi Dadri.

As per the allegations recorded in the FIR, M/s MSK (JV), Atela Kalan, District Charkhi Dadri was allotted certain mining site by the State Government and the said company started the excavation work but some anti-social elements started obstructing the company from doing its mining work and the petitioner and some other accused persons also took certain amount by way of extortion and also demanded Rs.10 lakhs per month in future. The matter was reported to the police by the Manager of the said company and consequently the FIR was registered in this case.

The counsel for the petitioner *inter alia* contends that the petitioner was not involved in any extortion racket as alleged by the complainant. That actually the petitioner is resident of the same village where the aforesaid company was doing the mining work and the said company also indulged in illegal mining, thus, causing harm to the environment and against the said acts of the company the petitioner and some other residents of the village raised voice and the petitioner also approached this Court to get information under the Right to Information Act (RTI Act) with regard to the illegal mining carried out by the complainant company. The counsel for the petitioner further submits that the petitioner is a respectable citizen and has been falsely implicated in the present case just due to the fact that he protested against the illegal mining conducted by the complainant company. The counsel for the petitioner further submits that the petitioner has joined the investigation with the police.

The counsel appearing on behalf of the complainant while contesting the present petition submits that petitioner also extorted money from the complainant company and that the FIR in this case was registered after proper enquiry. The counsel for the complainant further submits that the petitioner failed to return the aforesaid extortion money to the complainant and in this regard necessary direction be given to him.

The State counsel on instructions from SI Jaibir while supporting the facts narrated in the FIR has not disputed the fact that the petitioner has joined the investigation with the police and that now the petitioner is not required by the police for any further investigation.

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

It is a matter of evidence as to whether the petitioner extorted any money from the complainant company and further the petitioner has already joined the investigation with the police. However, in order to safeguard the interest of the complainant, a direction can be given to the petitioner to deposit certain token amount with the Court concerned.

In the light of the above, without commenting on the merits of the case, present petition is allowed and the order of interim bail dated 06.01.2022 is made absolute subject to deposit of Rs.1 lakh by the petitioner in the Court of Illaqa Magistrate within next 30 days, failing which the present petition will be deemed to have been dismissed. The petitioner is to abide by the conditions envisaged under Section 438(2) Cr.P.C.

25.01.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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