

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1). **CRM-M-50631-2022**
Date of decision: 16.03.2023

Bhupender Luna and another ...Petitioners

Versus

State of Haryana ...Respondent

and

(2). CRM-M-51913-2022

Ravi alias Ravinder ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner(s) in both the cases.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This order shall dispose of two petitions CRM-M-50631-2022 and CRM-M-51913-2022 as these petitions pertain to same FIR and for the sake of brevity facts are culled out from the petition CRM-M-50631-2022.

Petitioners have filed the instant petitions under Section 439 Cr.P.C seeking regular bail in a case FIR No.162 dated 04.03.2022 under Sections 384/506 of IPC, 1860 (Sections 387/506/120-B/34 of IPC added later on and Section 384 deleted later on) registered at Police Station City Sirsa, District Sirsa, Haryana (Annexure P-1).

Learned State counsel has filed the status report dated 14.03.2023 in CRM-M-51913-2022, which is taken on record. Copy thereof has been supplied to the counsel for the petitioners.

The case of the prosecution is that complainant Pardeep Kumar

moved an application to the police stating therein that he is resident of MSG Complex Begu Road Sirsa and running a shop situated at Red Light Chowk, Sirsa Dwarkapuri Sirsa, where he deals in sale purchase business of mobiles. On 04.03.2022, at about 04:06 p.m. he received a WhatsApp call on his mobile no.70270-70770 from an unknown person having its mobile number 123688030189, who asked from him that are you speaking Pardeep. Upon which the complainant answered in affirmative and asked from him, who is he, who replied that he is his king of terrors. Further he while using abusive language threatened him that if upto 06.03.2022 you (complainant) don't give ransom of Rs.10 lacs, then he is speaking his death and in case he (complainant) does not believe on it then he is sending a video. Upon which he sent a video and photo of his another shop on mobile. On seeing the said video and photo of his shop, he was terrified.

Learned counsel for the petitioners contends that the petitioners are innocent and have been falsely implicated in the present case. They are in custody (Bhupender Luna since 09.03.2022 and Vikas Kumar since 24.03.2022 both are the petitioners in CRM-M-50631-2022) and (Ravi alias Ravinder since 09.03.2022, petitioner in CRM-M-51913-2022). He further submits that the complainant Pardeep Kumar has not supported the case of the prosecution vide his statement dated 26.07.2022 (Annexure P-2) recorded before the trial Court who stated that he has seen the accused in the Court and they are not those persons who demanded money from him and neither they have called him on his phone. He further submits that co-accused namely Nishant has already been granted concession of regular bail by the Co-ordinate Bench of this Court vide order dated 17.10.2022 (Annexure P-3) while considering the statement of the complainant as PW1. He further submits that the investigation in the present case is complete; challan has been presented; charges have been framed and out

of total 15 witnesses, 7 have been examined and the case is now fixed for hearing before the trial Court on 29.03.2023 for prosecution evidence. He further submits that the petitioners are not involved in any other case and therefore, they may be released on regular bail.

On the other hand, the learned State counsel on instructions from ASI Jagpal Singh submits that the petitioners are not involved in any other case and he also could not dispute the fact that the co-accused namely Nishant has already been granted the concession of regular bail vide order dated 17.10.2022 and the complainant has not supported the prosecution case.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioners which is about one year; co-accused has been granted the concession of regular bail vide order dated 17.10.2022; complainant has not supported the case of the prosecution; investigation is complete; challan has been presented; charges have been framed; out of 15 prosecution witnesses only 7 have been examined and the trial is likely to take considerable time to conclude. Therefore, further detention of the petitioners may not serve any useful purpose, who are presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Accordingly, both the petitions stand disposed of.

16.03.2023

Parveen kumar

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No