

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49089-2023

Date of Decision: 04.10.2023

Arun Kumar

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.234 dated 13.06.2023 registered under Sections 383, 120-B and 34 of IPC, at Police Station Matlauda, District Panipat.

2. Broadly, the allegations levelled by the complainant, namely, Pankaj Bansal, in the present case are that the petitioner alongwith his other co-accused Ajmer had moved false complaints to C.M. Window for the purpose of blackmailing the factory owners. In fact, the complainant had taken all the required permissions from the concerned Government Departments. Even a Panchayat was convened on 25.12.2022 and the petitioner had assured that he would not move any complaints in future to C.M.Window, however, he started demanding a sum of Rs.5 lacs and started blackmailing the complainant and other factory owners.

3. Learned counsel for the petitioner contends that the petitioner was not present at the spot and has been falsely involved only on the basis of the disclosure statement made by his co-accused, Ajmer. Learned counsel further contends that the petitioner is having about 16 acres of land, adjoining the factory of the complainant and the discharge of waste material by the factory is spoiling the crops of the petitioner and the said fact is evident from the site plan (Annexure P-2). Learned counsel next contends that the petitioner was arrested in the present case on 14.06.2023 and the final report under Section 173 Cr.P.C. has already been presented before the Competent Court. He further contends that the charges have been framed against the present petitioner on 28.09.2023 and the next date of hearing before the trial Court is fixed on 10.10.2023. Since, the prosecution has relied upon 21 witnesses, so the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that specific allegations have been levelled against the present petitioner and his involvement was established during the course of investigation. He further contends that the petitioner is a habitual offender, however, no FIR was ever registered against him.

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

6. It is not in dispute that the petitioner is in custody for the last more than 03 months and the challan has already been presented against him. Even, the prosecution has not examined even a single witness so far and further custody of the petitioner will not serve any meaningful purpose. Apart from

that, the prosecution has also failed to place on record any evidence to show that the petitioner is in a position to influence the witnesses of the prosecution.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

04.10.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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