

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

CRM-M-52336-2022 (O&M)

Date of Decision:-**07.02.2023**

HARBIR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Bhanu Udai, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.177 dated 8.4.2022 registered under Sections 387, 506, 34 IPC at Police Station Pataudi District Gurugram.

Allegations in nut-shell are that complainant-Sanjit Kumar reported to the police that on 23.3.2022, one person who disclosed his name as Harbir Gujjar telephoned him, demanded ₹1 lac per month from him or otherwise to face dire consequences. Again on 30.3.2022, complainant received call on his mobile phone from some different number and the caller

demanded extortion of ₹1 lac per month. During investigation petitioner-Harbir was arrested on 18.4.2022.

The counsel for the petitioner *inter alia* submits that the petitioner is in custody since last more than 9 months and no incriminating article was recovered from his possession during the investigation of the case, which already stands concluded and during trial, complainant is also examined and he has not deposed against the petitioner in his deposition, moreover, co-accused Vikram Rathee is already granted regular bail by this Court vide order dated 21.12.2022 in **CRM-M-35797-2022**.

The instant petition is resisted by the State counsel, who submits that the petitioner was part of the conspiracy which was hatched by different persons to extort money from the complainant. State counsel further submits that at the relevant time, the petitioner was lodged in District Jail Bhartpur, Rajasthan from where he made extortion call to the complainant as he was having one mobile phone with him and the petitioner was arrested in this case on 18.4.2022 and at that time he got recovered the aforesaid mobile phone with which he made extortion call to the complainant. At last, State counsel submits that the petitioner is involved in other criminal cases and prayed for dismissal of the petition.

The counsel for the petitioner brought to the notice of this Court that the petitioner is already granted benefit of bail in other criminal cases faced by him.

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

Admittedly all the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner is in custody since last more than 9 months. Now the trial has commenced and the complainant has been examined but it will take considerable time for the trial to conclude. However, there is no apprehension that if the petitioner is released on bail, he would influence the complainant.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

07.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No