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

CRM-M-57075-2023
Date of decision : 20.11.2023

SACHIN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vikas Kumar Dhariwal, Advocate for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.242, dated 09.07.2023 registered for the offences punishable under Sections 285/387/506/120-B of the Indian Penal Code, and Section 25(1)(a) of Arms Act, at Police Station Julana, District Jind.

2 Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. FIR was registered on the statement of complainant Baljeet Son of Ishwar Singh who complained as under :

“I, Baljeet son of Ishwar Singh caste Jaat is resident of Ward No. 2, Julana. I am running a hotel on Jind Rohtak road by the name of Davat Haveli. Yesterday on 08/07/2023 at about 11:10 PM two young boys name & address unknown came on motorcycle

in front of my hotel. Out of them, one boy after stepping off fired thrice and while leaving, dropped a latter containing threat in front of my hotel, wherein they had demanded a sum of Rs. 50 Lacs and in case of non-payment, they had threatened to kill. The letter dropped in front of my hotel is handed over to you. It is requested to you that legal action kindly be taken against unknown. xxx”

4. As per the prosecution it is being claimed that the petitioner is in fact the key conspirator along with the co-accused. It is part of the conspiracy matched between them that the co-accused came in front of the hotel of the complainant and opened fire and left a letter demanding an extortion of Rs.50 lacs. It is being claimed by the prosecution that the letter is in the hand of the present petitioner.

5. Counsel for the petitioner submits that there is nothing on record to support the aforesaid allegation of the prosecution that the letter is in hand of the petitioner. The petitioner is behind bars for more than 4 months and 4 days. Investigation already stands concluded and challan stands presented.

6. Per contra, Mr. Ambavta submits that the petitioner is facing another case involving similar allegations on the same date. However, it has not been disputed that as on date there is no scientific evidence to prove that the letter is in the hand of the petitioner.

7. I have heard counsel for the parties and have gone through records of the case.

8. Without commenting on the merits of the case, keeping in view

the nature of the allegations levelled against the petitioner and the role assigned by the prosecution to the petitioner and the nature of evidence against him at this stage, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 20, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No