

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

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**CRM-M-61092-2022
Date of decision: 06.01.2023**

Riyasat Ali

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, DAG, Haryana.

Mr. G.S. Verma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.453 dated 13.12.2022 under Sections 323, 384, 406, 506 and 34 of the IPC registered at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioner *inter alia* contends that a false and fabricated case having been planted upon the petitioner is evident from a bare reading of the allegations levelled in the FIR in question which has been annexed as Annexure P-1. Which drawing the attention of this Court to the allegations levelled in the FIR in question, learned counsel submits that it was accused No.1 i.e. Kamil Hassan, who had allegedly been extending threats to the complainant and demanding “protection money” as well as 30% share in his Screening Plant business. Learned counsel further contends that it is evident from a reading of the FIR in question that there is no specific attribution

against the petitioner much less of any threats being extended by him to the complainant, and it is only on account of the petitioner being a close relative of main accused Kamil Hassan, he has been assigned a role in the crime in question. Learned counsel still further submits that a criminal case is also pending between the complainant and Kamil Hassan and it is precisely for that reason that the petitioner for reasons but obvious has been named in the FIR in question.

Per contra, learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer and submissions made by the counsel opposite. It has been urged that though initially it was co-accused Kamil Hassan, who had been extending threats of dire consequences to the complainant and had also after putting the complainant under threat taken Rs.50,000/- as “protection money”, however, thereafter all the accused including the petitioner had been continuously extending threats of dire consequences to the complainant so much so that a sum of Rs.4,50,000/- was handed over to all the three accused including the petitioner at the *dhaba* of none other than the petitioner. It has been still further submitted that the petitioner and the co-accused even thereafter continued to threaten the complainant, pressurize and blackmail him into giving them 30% share in his business. Learned State counsel has still further submitted that custodial interrogation of the petitioner is required as the complainant has handed over a CD containing threats which were extended by the accused and other incriminating material.

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

Prima facie there are serious allegations levelled against the petitioner, who in connivance with the co-accused had not only been extending threats of dire consequences to the complainant but had also after pressurizing and blackmailing the complainant allegedly extorted a sum of Rs.5 lakhs. Even thereafter all the accused had been allegedly extending threats of dire consequences to the complainant.

In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

Dismissed.

06.01.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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