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THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4352 of 2024
Date of Decision: 24.09.2024

Anwar Jameel Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.322 dated 09.12.2023, under Sections 386, 506 IPC, 1860 (lateron added offence under Section 411 IPC), registered at Police Station Phillaur, District Jalandhar.
2. Succinctly, the facts of the case are that complainant namely, Ajjj-Ulla-Khan lodged the complaint before the police wherein he alleged that on 07.12.2023 at about 10:40 in the morning, he received a whatsapp call but he did not attend it. Later on, he received a whatsapp message. It was to the effect that “you give Rs.5,00,000/- to us and you will be free”. It was also mentioned that they knew about his family and his daughter is a student of Cambridge School, Garha. On 08.12.2023, again he received a whatsapp audio call from the same number that in case he failed to give Rs.5,00,000/- to him then his family would be eliminated. He went to different places but unknown person did not come. Thereafter, he reached Ambedkar Chowk along with the money and the said unknown person standing at the highway told him to

put Rs.5,00,000/- in the bag. He recognized the unknown person as Anwar Jameel who used to visit his house. Request was made to register the case and take legal action against the accused. On registration of the FIR, investigation commenced and petitioner was arrested on 09.12.2023. He approached the Court of learned Sessions Judge, Jalandhar praying for the grant of regular bail however, after hearing counsel for the parties, no merits were found in the same and the petition was dismissed vide order dated 18.01.2024. Hence, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He has submitted that the FIR had been lodged due to the misunderstanding and the dispute has been amicably resolved by both the petitioner and complainant. It is submitted that on account of the same, this Court vide order dated 02.04.2024 had granted interim bail to the petitioner. He submits that since then, petitioner is on interim bail and he has never misused the concession of interim bail granted to him. He submits that now the complainant has been examined before the trial Court as PW-1 and he has not supported the case of the prosecution. He thus, submits that in the facts and circumstances of the case, interim bail granted to the petitioner deserves to be made absolute.

4. Learned State counsel has submitted that there are specific allegations against the petitioner levelled by the complainant in the FIR. He has submitted that thereafter, challan was presented and the charges were framed. However, he submits that complainant has been examined as PW-1 and he has not supported the case of the prosecution.

5. Heard. On hearing counsel for the parties and perusing the record, it is apparent that petitioner is behind bars since 09.12.2023. It has

been submitted that the parties have resolved the dispute by way of amicable settlement and thus, was granted interim bail by this Court on 02.04.2024. Learned counsel for the petitioner has placed on record the deposition of complainant, Ajij-Ulla-Khan given before the trial Court wherein he has been examined as PW-1. Perusal of the same would show that he had not supported the case of the prosecution. There is nothing on record to show that petitioner has misused the concession of interim bail granted by this Court.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, interim bail granted vide order dated 02.04.2024 is made absolute and the petitioner is ordered to be released on bail on his furnishing fresh bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

7. Petition stands allowed.

24.09.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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