

2024:PHHC:026512

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

216 CRM-M-6319-2024
Date of Decision : February 26, 2024

DEEPAKPetitioner
VERSUS
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Kanhiya, Soni, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On 6.2.2024, the following order was passed:-
- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.427 dated 16.06.2023, under Sections 323, 365, 384, 419, 506, 34, 342 of the IPC, registered at P.S. Urban Estate, Hisar, District Hisar.*
- 2. The gist of the allegations, as levelled against the petitioner are that, he along with his companions, extended threats and extorted money from the complainant, by claiming himself to be a CIA police official.*
- 3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the present FIR has falsely been registered, as the allegations narrated therein are totally incorrect. To substantiate this contention, he submits that, in fact the petitioner and the complainant have a long acquaintance, and, the complainant has also taken a loan of Rs.47,000/- from*

the petitioner, via bank transaction. Lastly, he submits that, just to settle the dispute qua above transaction, a purely civil dispute has been camouflaged as a criminal litigation, and, no threat, as alleged, has ever been extended to the complainant.

4. *At this stage, Mr. Shashikant Gupta, Advocate, records his appearance on behalf of the complainant, under a memorandum of appearance, instituted before this Court today, and, as prayed for, he is permitted to file a validly executed Vakalatnama in his favour by the complainant, on or before the subsequent date of hearing.*

5. *The learned counsel appearing for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner, on the ground that, the petitioner had, by impersonating himself as a CIA police official, continuously extended threats to the complainant and extorted money from him.*

6. *Notice of motion for 26.02.2024.*

7. *Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.*

8. *Be that as it may, in the meanwhile, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2. Learned State counsel on instructions imparted to him by the official concerned submits that the petitioner has joined the investigation.

He further placed on record the order dated 23.2.2024 whereby, the

application moved by the prosecution to take voice sample of the accused-petitioner, has been allowed by the learned Ilqa Magistrate concerned, after the accused gave 'no objection' for giving his voice sample.

3. Learned counsel for the complainant has also opposed the asked for relief, on the ground that though there may be a monetary dispute between the parties, but the manner in which the money alleged to have been recovered does invite the penal provisions.

4. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 6.2.2024 is, hereby, made absolute.

(KULDEEP TIWARI)
JUDGE

February 26, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No