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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10002-2024 (O&M)
Date of decision:-15.07.2024

RAJ KATARIA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Varun Goyal, Advocate for the petitioner.

Mr. Jasdeep S. Gill, Addl. A.G, Punjab.

SANJIV BERRY, J.(ORAL)

CRM-21404-2024

1. The instant application is for addition of offence under Section 506 IPC in the main petition CRM-M-10002-2024 on the ground that the offence has been added in the instant FIR (Annexure P-1) vide GDR No. 19 Dated 03.02.2024). This fact has not been disputed by the learned counsel for the State.
2. Heard.
3. Accordingly, the instant application is allowed and the offence under Section 506 IPC is ordered to be added in the head note of the main petition i.e. CRM-M-10002-2024.
4. Registry to do the needful.
5. Application stands disposed of.

CRM-17189-2024

- 1. Application is for placing on record relevant cross examination of the complainant as Annnexure P-3/A.
- 2. Heard.
- 3. Application is allowed, subject to all just exceptions. Annexure P-3/A cross-examination of the complainant is ordered to be placed on record.
- 4. Application stands disposed of.

Main case

- 1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
295	14.10.2023	387, 506 IPC	Sadar, Amritsar

- 2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case without there being any substantive evidence against the petitioner. He contends that the petitioner is not having any criminal antecedents nor any money was transferred in his account. He submits that the petitioner has been arrested merely on the basis of suspicion and even the complainant while appearing in the trial as PW-1 has categorically stated that he had not received any video call from the petitioner as the person making the video call is not the accused person present in court and even the mobile of the complainant had not been taken by the police for forensic investigation. He



submits that the petitioner is in custody since 06.12.2023, challan has already been presented in Court and it will take sufficient long time for disposal thereof. Hence he prayed for grant of regular bail to the petitioner.

3. Per contra, learned State counsel referring to the reply dated 14.03.2024 submitted by the State has opposed the bail application by arguing that the petitioner is alleged to have given extortion calls from different mobile Whatsapp numbers. However, he had admitted that no amount was transferred in the account of the petitioner.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR (Annexure P-1) was registered at the instance of the complainant alleging some extortion calls being received on his mobile phone asking to pay ₹50 lakhs, failing which to face the consequences. During the course of investigation, petitioner was arrested on 06.12.2023 and after completion of investigation, challan was presented in Court. During the course of trial, prosecution has examined 2 witnesses out of 10 cited by it, including the complainant as PW-1. Admittedly, the complainant had not lent any support to the case of the prosecution and has categorically stated that the present petitioner is not the person who had made video call and had even played the pen-drive in the Court to testify that the petitioner had not made him any video call. Admittedly no amount was transferred to the account of the petitioner.

5. Keeping in view these aspects and also the fact that it will take sufficient long time for the prosecution to conclude the evidence wherein 10 witnesses have been cited by the prosecution and to ascertain criminal

liability, if any of the petitioner, therefore, no purpose would be served by keeping the petitioner in custody any longer.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

15.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |