

CRM-M-22087-2024

2024:PHHC:136481



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-22087-2024

Date of Decision: 18.10.2024

Sumit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

ALOK JAIN, J. (Oral)

1. The present second petition is for grant of regular bail to the petitioner in case FIR No.04 dated 03.01.2024 under Sections 389, 420, 506 and 120-B of IPC, registered at Police Station Bilaspur, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that the entire allegations in the present petition are false and he has been falsely implicated in the FIR in question. He further submits that the main dispute is between the complainant and the co-accused-Komal who had lodged an FIR No.208 dated 12.08.2023 under Sections 376 and 506 IPC against the complainant and the present FIR is nothing but a counter blast to the said FIR. However, the allegations against the present petitioner in this FIR by the complainant are that the petitioner had blackmailed the complainant by lodging the earlier FIR No.208 dated 12.08.2023 by co-accused Komal and



the present petitioner. He further submits that the petitioner has been in custody for more than 09 months.

3. *Per contra*, learned State counsel has filed a custody certificate, which is taken on record and vehemently opposed the grant of bail to the petitioner on the premises that the petitioner has played a pivotal role in the offence and was also the beneficiary of the amount extorted from the complainant and admitted the same in his disclosure statement and Rs.10,000/- has also been recovered out of Rs.2 lacs received by him. He further submits that as per the custody certificate, the petitioner has been involved in two more cases and he is on bail in other two FIRs.

4. Faced with the above, learned counsel for the petitioner has submitted that petitioner be put to heavy surety and has volunteered that the petitioner is ready to deposit an F.D.R. of Rs.2 lacs before the learned trial Court and he shall not jump the bail or procrastinate the trial and in case, he fails to appear before the learned trial Court on the date of hearing without any sufficient cause and/or without moving an application for exemption, the said amount shall be forfeited in favour of the State.

5. Heard learned counsel for the parties.

6. In the light of above and considering the fact that the petitioner has been in custody for more than 09 months, and given that the petitioner has volunteered to deposit a sum of Rs.2 lacs by way of an F.D.R., coupled with the fact that the trial is likely to take time, no useful purpose would be served by keeping the petitioner in custody. Therefore, the petitioner is entitled to the concession of regular bail.

7. Without commenting upon the merits of the case, the present



petition is allowed and the petitioner is ordered to be released on bail, if not required in any other case, subject to his depositing a sum of Rs.2 lacs by way of an F.D.R. of some Nationalized Bank before the learned trial Court and on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- ❖ Petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ❖ Petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- ❖ Petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- ❖ Petitioner will not leave the country without the prior permission of the Court, for which he has to submit the copy of his passport also. However, in case, the petitioner does not possess a valid passport, then he shall file an undertaking to the said effect before being released.

8. The petitioner shall abide by the terms and conditions as imposed in addition to the provisions of Section 439 Cr.P.C. 1973.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.

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10. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.

11. The amount of Rs.2 lacs shall be kept as an F.D.R. and in case, the petitioner is held guilty and any fine is imposed upon him, the same shall be adjusted from the said amount and in case, the petitioner is acquitted in the present FIR, the said principal amount shall be refunded to the petitioner within four weeks from the date of order of acquittal, if any.

(ALOK JAIN)
JUDGE

18.10.2024
D.Bansal

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No