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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23263-2024 (O&M)
Date of Decision:- 27.05.2024

ALIM

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mohd. Shahid Hussain, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. Status report dated 27.05.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Punhana, District Nuh is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
129	28.07.2023	419, 420, 384 IPC (204 IPC added later on)	Bicchor, District Nuh

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case and



is in custody since 28.07.2023. He submits that the petitioner is not having any criminal antecedents and during the course of trial, the victim of the case namely Pawan Kumar Singh, while appearing as witness, has not lent any support to the case of the prosecution and has categorically stated that the petitioner had neither called him nor blackmailed him nor forced him to deposit ₹5,000/- in his account. He has categorically denied having received any whatsapp call or videocall from the present petitioner. Hence, prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel has while referring to the status report submitted by the State has prayed for dismissal of the bail petition, however, he has admitted that the complainant while appearing as PW-1 in the trial Court has not lent any support to the case of the prosecution against the petitioner.

6. Heard.

7. After considering the respective submissions and perusing the record, it transpires that the instant case was registered against the petitioner on the basis of a secret information that the petitioner, by calling unknown persons, pretending to be a lady, is blackmailing and extorting money from them illegally. The petitioner was arrested on 28.07.2023 and after the completion of investigation, challan was presented in the Court. During the course of trial, the prosecution has examined victim-Pawan Kumar Singh as PW-1, who has not lent any support to the case of the prosecution. The conclusion of trial to ascertain the criminal liability, if any, on the part of the petitioner, will take sufficient long time and no purpose would be served by



detaining the petitioner in custody any longer.

8. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

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

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

27.05.2024

S.Sharma(syr)

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