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**218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-27038-2024
Decided on : 28.08.2024

Naveen Kumar @ Naveen Phogat Petitioner

Versus

State of U.T., Chandigarh Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Dr. Puneet Kaur Sekhon, Advocate
for the petitioner.Mr. Manish Bansal, Public Prosecutor with
Ms. Vasundhara Dalal Anand, Addl. PP
for UT, Chandigarh.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.140 dated 06.08.2023 under Sections 365, 386, 420, 506 and 120-B IPC (Sections 364-A and 389 IPC added later on) registered at Police Station Sector 39 District Chandigarh.

2. The contents of the aforesaid FIR clearly identifies a person named Gill as the individual, who telephonically contacted the complainant to arrange a meeting for the exchange of Rs.2,000/- currency notes for smaller denominations; while the complainant and one Raj Kumar were seated in their vehicle with a huge amount of cash, three unidentified persons in uniform arrived at the scene. One



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of these uniformed persons then approached the trunk of the car, where the currency notes were stored, and instructed the complainant to open it. Subsequently, these uniformed individuals, commandeered the vehicle of the complainant to a beat box in Sector 39, Chandigarh and seized an amount of Rs.1 crore. They then abandoned the complainant and Raj Kumar at a deserted location near Sector 39, Chandigarh, threatening them with dire consequences and instructing them to flee.

3. Learned counsel for the petitioner further contends that the FIR against him presents a highly distorted version of the events. Learned counsel for the petitioner alleges that the petitioner is a victim of a larger conspiracy because he had uncovered a substantial scam involving illegal money exchange; the petitioner was being pressured by his superior officials to halt the investigation into the scam and, upon his refusal to comply, he was intentionally framed in the present case. Learned counsel has further submitted that despite investigation being concluded and even the challan being presented, charges had not yet been framed due to repeated adjournments; two co-accused, who were allegedly present along with the petitioner and had participated in threatening the complainant as well as seizing the money, had already been extended the concession of bail by this Court vide order dated 09.04.2024. Learned counsel for the petitioner thus, prays that in the circumstances, further



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incarceration of the petitioner would serve no useful purpose, given the prolonged nature of the trial and also the absence of any risk of tampering with evidence, as all the incriminating material collected by the investigating agency is now part of the challan and furthermore, even charges stand framed.

4. Per contra, learned standing counsel for the respondent while opposing the prayer made by learned counsel for the petitioner, on instructions, has reiterated the allegations levelled against the petitioner of having extorted money amounting to Rs.1.01 crore from the complainant by extending threats of dire consequences to him. It has been submitted that after the present case was registered, the petitioner himself returned Rs.75 lakhs, which is part of the money allegedly extorted, to the complainant through his business partner. The stage of the trial has, however, not been disputed by the learned standing counsel for the respondent.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 24.11.2023. The investigation in the case in hand is complete as challan stands presented and even charges framed. However, the trial has not progressed further as none of the prosecution witnesses have been examined till date.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the



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petitioner as there is no likelihood of the trial concluding in the near future. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

28.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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