

**CRM-M-30995-2024****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

220

CRM-M-30995-2024

Date of decision: September 24th, 2024

Ruby

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent: Mr. Viren Sibal, Advocate
for the petitioner.Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.**MANJARI NEHRU KAUL, J.**

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in case FIR No.708 dated 17.12.2023 under Sections 120-B, 285, 387, 506, 201, 212 read with Section 34 of the IPC and Section 25 of the Arms Act, registered at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case for allegedly conspiring with co-accused and, in furtherance of that conspiracy, demanding an extortion amount of ₹50 lakh from the complainant and his partner. Learned counsel submits that as per allegations levelled, one of the accused, while driving a motorcycle, fired shots at the shop of the complainant; the petitioner has been implicated solely on the basis of a disclosure statement allegedly suffered by a co-accused. It has been submitted that the false implication of the petitioner is evident from the fact that he has no previous criminal antecedents.

Additionally, it has been contended that the petitioner has not been named in the FIR, nor has any role been attributed to him much less any suspicion raised about his involvement in the occurrence in question.

3. Learned counsel has further submitted that co-accused Kamal, who was allegedly one of the persons on the motorcycle that fired shots towards the shop of the complainant, has already been granted the concession of bail. It has been still further argued that investigation is complete in the present case, charge-sheet has been filed and charges also have been framed. Therefore, given these facts, further incarceration of the petitioner would serve no useful purpose, as the trial is expected to take considerable time to conclude, with none of the 17 prosecution witnesses examined as of yet.

4. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite, by drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“To SHO Sir, City Police Station Tohana, Sir, I request that I C am Jagdeep Singh son of Chand Singh (owner of Italian Master, B-13) Railway Road, Tohana. Today at 7.14 PM I received a call from-97295-08668 on phone number 73825- 01313 saying that I am Lakhu from Boxer Gang who had committed crime about 5 to 7 months back, you have not implemented it. Then I said yes sir tell me what to do. He said we had asked for 50 lakhs, what happened to that. If you do not give 50 lakhs rupees, we have put a fielding on every single man of yours. Everyone's time is noted. No one will be spared. We are all outside. It does not matter to us. We will not spare anyone. Then Then I said I will talk to my partner and tell you. He said tell me quickly solve our problem. Give

us 50 lakhs. It is a question of our honour. After that he disconnected the phone. Meanwhile they caused fired on our shop board and then another firing upon our Tiffin. They again but the pistol did not fire, after that all three boys got on a motorcycle and went towards the railway station. A person named Lakhu in the Boxer Gang has demanded a ransom of Rs. 50 lakh from me and has threatened to kill my other partner if I do not pay it. Strict action should be taken against the persons demanding ransom and threatening us and our life and property should be protected.”

5. Learned counsel for the State has acknowledged that the petitioner has not been named in the FIR, however, he contends that the petitioner conspired with the co-accused by carrying out a recce of the place of occurrence, which came to be revealed during the interrogation of co-accused, who stated that the petitioner was stationed 100 metres away from the place of occurrence. However, the State was unable to refute that the petitioner was neither named in the FIR, nor was he one of the three persons, who fired shots at the shop of the complainant. Additionally, learned State counsel, on instructions, has also unable to dispute that no allegations had been made against the petitioner for demanding the ransom amount.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner is not alleged to have demanded the extortion amount, nor is he accused of accompanying the assailants, who fired at the complainant's shop, a fact that is not disputed by the learned State counsel. Furthermore, as per instructions received, the State has affirmed that the petitioner has no previous criminal antecedents. The stage of the trial and the custody period of the petitioner, who has now been inside since 20.12.2023,

has also not been disputed by the learned State counsel. Given that the trial will take a considerable amount of time to conclude and considering the limited role attributable to the petitioner in the crime in question, the petitioner deserves to be extended the concession of bail.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

September 24th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No