



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

229

CRM-M-40325-2024

Date of Decision : **October 29, 2024**

VISHAL DEEP SHARMA ALIAS VICKY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha, Advocate and
Mr. Tara Dutt, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Lalit Goyal, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 483 of BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.305 dated 21.06.2024 (Annexure P-1) under Sections 384, 387 and 506 of the IPC, 1860 (Section 120-B of the IPC, added later on), registered at Police Station City Barnala, District Barnala, Punjab.

2. The prosecution agency was set into motion, on the complaint made by one, Kamal Jindal, alleging therein, that on dated 14.06.2024, at about 5.28 a.m., he received a threat call on his Whatsapp number from



abroad, and thereafter, at about 6.04 a.m., he again received the call from the same mobile number, whereby, the person speaking on the mobile number demanded a ransom amount of Rs.80,00,000/-, and further, threatened the complainant to his life. Thereafter, on dated 17.06.2024, at about 8.20 a.m., he again received a Whatsapp call from the same mobile number and an unknown person told the complainant to keep ready the said amount of Rs.80,00,000/-, failing to which, there shall be serious repercussions to the lives of family members of the complainant. The complainant again received similar threats, on dated 18.06.2024. Thereafter, he made a complaint to the police, on the basis of which, the instant FIR has been registered. Subsequently, two persons i.e. the present petitioner and the other co-accused Paramjit Singh @ Happy, were arrested in the instant case.

3. Learned senior counsel on asking for the relief of regular bail, submits that there is no incriminating evidence with the prosecution to connect the present petitioner with the alleged crime. He further submits that the petitioner was arrested on the basis of secret information, and furthermore, the matter has now been amicably settled inter-se the parties concerned, and he has placed reliance on the compromise deed dated 03.10.2024 (Annexure P-2), as executed between the present petitioner, other co-accused Paramjit Singh @ Happy with the complainant. He also submits that the petitioner has suffered incarceration of about 04 months, as on date, and he has clean antecedents, and the trial is yet to begin in the instant FIR. He in addition submits that the co-accused Paramjit Singh @ Happy has already been granted the relief of regular bail by this Court vide order dated



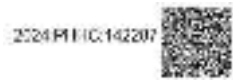
21.10.2024 passed in CRM-M-50430-2024 and the petitioner is on co-equal pedestal with him.

4. Learned State counsel, while placing on record the custody certificate, qua the petitioner, and on instructions imparted to him by the official concerned, has opposed the asked for relief (supra) and submits that the petitioner has committed a serious offence, by extending life threats to the complainant, and demanding ransom from him. He further submits that the investigation in the present complaint is already complete, qua the petitioner, and two persons have been arrested, including the present petitioner, and the arrest of other two persons is still remained to be effected. Learned State counsel also informed this Court, that the final report in the instant matter was submitted on dated 22.08.2024, and the charges were framed on dated 18.10.2024. The prosecution has cited total 17 witnesses ,however, none has been examined, as on date.

5. At this stage, Mr. Lalit Goyal, Advocate, has caused appearance on behalf of the complainant, while submitting memo of appearance, in his favour, today in the Court. The same is taken on the record, and he undertakes to furnish his duly executed power of attorney in his favour with the Registry of this Court. He further admits the factum of compromise between the present petitioner and the complainant.

6. This Court has heard the rival submissions made by the learned counsel for the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons extracted hereinafter :-

(i) that the matter has been amicably settled between the parties concerned;



(ii) that the petitioner has suffered incarceration of about 03 months and 28 days, as on date, and he is not involved in any other case and has clean antecedents;

(iii) that as on date, only charges have been framed in the instant matter, and no prosecution witness has been examined, whereas, total 17 prosecution witnesses have been cited in the final report and;

(iv) that the co-accused Paramjit Singh @ Happy has already been granted the relief of regular bail by this Court vide order dated 21.10.2024 passed in CRM-M-50430-2024.

7. Be that as it may, considering the above facts and the period of incarceration suffered by the petitioner and the stage of the trial, this Court deems it fit and appropriate to enlarge the petitioner on regular bail. Accordingly, the instant petition is **allowed**.
8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
9. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

October 29, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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