

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

Date of Decision: 26.11.2024

...Respondent

N.S.Shekhawat J. (Oral)

2. Learned counsel for the petitioner contends that the petitioner is a businessman and owner of the Hotel The Grand at Jwahar Nagar, Hisar. As per the allegations levelled by the complainant, Sunil and other police officials had abducted and beaten up the complainant and demanded a huge amount by keeping him under the fear of registration of false criminal case under the provisions of NDPS Act. He further submits that the petitioner had no knowledge with regard to the allegations levelled by the complainant and he had taken the amount from the complainant on the instructions of the main



accused. Learned counsel further contends that the petitioner was arrested in the present case on 15.06.2024 and is in custody for the last more than 05 months. After completion of investigation, challan has already been presented against him. Further, the prosecution has placed reliance on 26 witnesses, but no witness has been examined so far. Thus, the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was hand-in-glove with the main accused and a sum of Rs.4 lacs was accepted by him as bribe. Thus, the petition deserves to be dismissed by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. As per the allegations levelled by the complainant, the petitioner had taken a bribe of Rs.4 lacs. Whether the petitioner had connived with the main accused or not is a moot point, which shall be adjudicated during the course of trial. At this stage, the Court is conscious of the fact that the petitioner is in custody for the last more than 05 months and after presentation of challan, custody will not be required. Further, there is no material on record to show that the petitioner is in a position to influence the witnesses of the prosecution or may abscond from the process of law.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his



furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

26.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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