



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-54008-2024
Date of decision: November 7th, 2024

Ashok Gir
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mayank Mathur, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail in
FIR No.68 dated 16.08.2024 under Sections 384, 389, 186, 506 of the
IPC registered at Police Station Julkan, Patiala.

2. Mr. Gazi Mohd. Umair, Advocate, has entered appearance
on behalf of the complainant and filed his power of attorney, which is
taken on record.

3. Learned counsel for the petitioner contends that the
petitioner has been falsely implicated in the instant case for allegedly
interfering with the official duties of the complainant and subsequently,
blackmailing her. While drawing the attention of this Court to the FIR,
which has been annexed as Annexure P-1, learned counsel submits that
the allegations against the petitioner are vague and are not supported by
any cogent material. Furthermore, it is argued that a bare reading of the
allegations levelled in the FIR does not even constitute elements
required to attract the mischief of the alleged offences.

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4. Learned counsel further submits that it is a matter of record that the petitioner had previously lodged complaints against the complainant, who, by using her influence, managed to have those complaints dismissed. Subsequently, the complainant also filed a civil suit against the petitioner. In support, learned counsel has drawn the attention of this Court to Annexure P-2, which is a copy of the civil suit, and has argued that it is evident that the present FIR is merely a retaliatory action in response to the complaints moved by the petitioner against the complainant, who is a Tehsildar.

5. Additionally, learned counsel for the petitioner states that the petitioner has been in custody since 16.08.2024. As the investigation is complete and challan has been filed, it has been argued that further incarceration of the petitioner would serve no useful purpose, particularly given that the trial would take considerable time to conclude, with the case presently pending for consideration of charges.

6. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by asserting that a perusal of the FIR clearly reveals that the petitioner attempted to intimidate and blackmail a public servant in a brazen manner. As per the learned State counsel, when the complainant, a Tehsildar, refused to acquiesce to the improper demands of the petitioner, he retaliated by filing multiple baseless complaints against her. However, the learned State counsel, on instructions, has not disputed that the investigation in the present case is complete and even the charge-sheet has been presented before the trial Court concerned.



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7. I have heard learned counsel for the parties and perused the material placed on record.
8. The petitioner has been in custody since 16.08.2024, and as already noticed earlier, the challan stands presented. There is no likelihood of the trial concluding in the near future as the matter is still pending for consideration on charge before trial Court. It has not been disputed that the petitioner is not involved in any other case of identical nature.
9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. 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.

November 7th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No