



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-56435-2024
DATE OF DECISION: 20.11.2024

ROHIT ...PETITIONER
Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Namit Khurana, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of BNSS for grant of anticipatory bail in FIR No. 311 dated 25.09.2024 under Sections 221 and 308(2) of the BNS, 2023 registered at P.S. Sector-13/17, Pantipat.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘Contents of the letter are as under: "UHBVNL From- S.D.O. City Sub Division, Gharaunda, To: The Station House Officer, Police Station Sector 13-17, Panipat, No.2067 dated 25.9.2024. Subject Regarding creating hindrance in putting electricity line and regarding recovery (extortion) of Rs.2.00 lacs forcibly. Regarding the aforesaid subject, it is respectfully intimated to you that this office has issued a new connection to Wool Tax Siddharth, village Faridpur and the work of laying down electricity lines thereof, has to go from 33 KV S/STN Garhi Bharat via village Barana to village Faridpur. When the employees of the contractor reached in village Barana for doing the work, Suresh, who is husband of Sarpanch of Gram



Panchayat Barana along with his accomplices namely, Binder son of Rajkumar resident of Barana and Rohit son of Virender, resident of Palheri, created hindrance in the work intentionally and in lieu of doing the work, demanded for a recovery (extortion) of Rs.2.00 lacs from the company and did not allow to perform the work. Intimation of this was given in the office of Siddharth Wool Tax Faridpur in writing, copy of which is enclosed herewith. So, it is prayed to you that after registering a case against aforesaid Suresh, husband of Sarpanch of Gram Panchayat and two other persons for creating hindrance in the government work, for recovery (extortion) of Rs.2.00 lacs, action may be taken. Applicant Shri Deepak Garg, SDO (OP) CITY S/DIVN, UHBVN, GHARAUNDA M.N. 9354726240. At Police Station On receipt of the letter in the police station, after registering FIR No.311 dated 25.09.2024, under Sections 221, 308(2) BNS in Police Station Sector 13/17, HUDA, Panipat, computerized copies of the FIR have been prepared. After taking copy of police file along with original application in my custody for conducting the investigation, I, ASI along with EHC Rishipal No.1174/PPT with complainant of case, proceed to the place of occurrence. Remaining copies of the FIR will be sent to the Illaqa Magistrate Sahab as well as higher officers. The aforesaid case has been registered in the CCTNS Code of SHO Sahab, in the presence of ASI Parveen Kumar No.81/PPT, Police Station Sector 13/17, Panipat, Mob. No.82951-59100.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has produced a copy of order dated 11.10.2024 whereby categorical statement has been made by the complainant-Deepak SDO, UHBVNL Gharaunda, Karnal that their work has been completed and the Department does not want



to proceed further with the case and has no objection if the accused is released on bail. However, the said order was in the case of co-accused namely Suresh whereby he has been granted regular bail by the JMIC, Panipat. A copy of the order is taken on record as document 'A'.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer is not in a position to controvert the submissions made by counsel for the petitioner.

4. **Analysis**

In light of the above, wherein the State Counsel has no objection in case the petitioner is enlarged on bail and co-accused Suresh already stands released on regular bail in light of the fact that there is no obstruction or delay in the work, thus, the allegations qua the extortion money of Rs. 2 lakhs in lieu of work done does not arise, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of

Arresting/Investigating Officer. The petitioner shall also abide by the

terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

20.11.2024
anuradha

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