



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

228

CRM-M-14375-2024

Date of decision: January 28th, 2025

Pankaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankush Sihag, Advocate
for Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail in FIR No.805 dated 21.11.2023 under Sections 387, 511, 120-B of the IPC registered at Police Station Sadar Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that the petitioner's involvement is based on an alleged secret information that he withdrew ₹95,000/- from his bank account, which was purportedly received from co-accused Yash. The latter had allegedly received the amount from one Ashu Rana, a person based outside India, accused of being involved in a gang engaged in illegal activities such as extortion and murder. Learned counsel for the petitioner of submits that as per the prosecution, the withdrawn amount was utilized by the petitioner for purchasing

clothes and shoes for one Sachin Thapan, an undertrial facing trial for murder and currently lodged in jail. However, it has been asserted that it is undisputed that the petitioner is not an accused in the said murder case. Furthermore, learned counsel has submitted that even assuming, for the sake of arguments, though not conceded, that the petitioner facilitated the purchase of shoes and clothes, this does not establish any direct or indirect link between him and the alleged gang more so since the petitioner has no prior history of any involvement in similar offences, nor is he facing trial along with the other accused persons including Sachin Thapan.

3. Learned counsel has further submitted that the investigation in the present case has already been completed, and the challan was presented on 16.03.2024. Despite the lapse of significant time, the trial has not yet commenced, and even the charges have not been framed. The prosecution has cited 40 witnesses, hence, the trial is unlikely to conclude in the near future. The counsel has urged that in the given circumstances, further incarceration of the petitioner would serve no useful purpose and would be unjustified. Learned counsel for the petitioner has further submitted that the petitioner be put to any stringent conditions while being extended the concession of bail.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the specific role attributed to the petitioner in the present case. However, it is contended that the petitioner facilitated the co-accused by purchasing clothes and shoes from money, which were

proceeds from extortion. However, the State has not disputed the fact that the petitioner is not an accused in the murder case in which Sachin Thapan is being tried. The learned counsel for the State has further conceded that the petitioner was previously booked in a case in Punjab dating back to the year 2017 for offences under Sections 399, 402 of the IPC and the Arms Act; apart from this, no other case is pending against him.

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

6. The petitioner has been in custody for nearly one year since his arrest on 24.01.2024. The primary allegation against the petitioner is that he purchased items for undertrial Sachin Thapan, using money that allegedly had its origins in extortion.

7. The learned State counsel, on instructions, has not disputed the fact that the petitioner is not an accused in the murder case in which Sachin Thapan is facing trial. There is *prima facie* no direct evidence brought to the notice of this Court linking the petitioner to the alleged extortion activities or the gang said to be involved in the same.

8. The trial has not yet commenced as even the charges are yet to be framed. With 40 witnesses cited by the prosecution, it is evident that the trial is likely to take considerable time to conclude.

9. In the given circumstances, further incarceration of the petitioner would serve no useful purpose. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. It is made

clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to approach this Court forthwith seeking cancellation of bail granted to the petitioner.

January 28th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No