



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

257

CRM-M-31500-2025

Date of decision: 4th August, 2025

Subhash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the third petition that has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 398 dated 19.07.2022 registered under Sections 385, 388, 420, 120-B and 180 of IPC at Police Station Sadar, Jind, District Jind. His previous two petitions had been dismissed as withdrawn.

2. As per the prosecution case, the accused lovely had lodged a case bearing FIR No. 548 dated 08.09.2021 registered under Sections 354, 376 and 506 read with Section 511 of IPC and under the provisions of Section 3 of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') at Police Station Sonipat against ASI Satish, brother of the complainant, Davinder. The aforesaid Satish has been arrested in that case. On 20.09.2021, Manju Bala, wife of



Satish, received an offer to get resolved the case registered against her husband by meeting the co-accused Sunil, who is husband of accused lovely. The family members of the complainant contacted the accused Sunil on his cell phone and on his asking went to meet him. Co-accused Sunil and Lovely raised a demand of Rs. 50,00,000/- to settle the case registered against Satish. They also asked the family members of the complainant to give an affidavit to the effect that no action would be taken against them after settling of the case registered against Satish. A deal was struck that the family members of the complainant would give Rs. 32,50,000/- to the co-accused Sunil and his wife and then latter would withdraw the case. On 23.03.2022, an amount of Rs. 30,00,000/- was handed over by the members of the complainant party to the family of the accused and remaining amount was to be given two days thereafter. The nephew of the complainant had recorded the entire conversation that had taken place between the petitioner, his wife and family members of the complainant. By alleging that the petitioner and co-accused extorted money from him/his family under the threat of conviction of Satish, he prayed for taking action in the matter.

3. Initially, a case under Sections 470 and 485 of IPC was registered. Investigation proceedings were initiated. Subsequently, offences under Section 385, 388 read with Section 120-B of IPC were added. The petitioner was arrested on 04.11.2022. Investigation now stands concluded. Challan has been presented and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The FIR of this case is a counter blast to



the FIR No. 548 dated 08.09.2021 lodged at the instance of his daughter Lovely. The brother of the complainant who is accused of that FIR is a police official and has involved him and the co-accused in this case. A false recovery has been planted upon him. The co-accused Rampal @ Pala and Vinod have been extended benefit of pre-arrest bail. Co-accused Lovely has also been extended benefit of bail. On parity, he too deserves to be released on bail. His further incarceration would not serve any useful purpose. Subject offences are triable by Magistrate. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Status report has been filed. Learned State counsel has argued that keeping in view the gravity of the allegations as leveled against the petitioner, he does not deserve to be extended benefit of bail. It is also argued that the petitioner has criminal antecedents as he was convicted in a case registered under Sections 186, 332 and 353 of IPC. It is, therefore, urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner along with his son Sunil Kumar and daughter-in-law Lovely is alleged to have hatched a conspiracy to extort money from the family members of the complainant on the pretext that his daughter-in-law Lovely would withdraw the FIR lodged against the brother of the complainant. The prosecution version is that the petitioner and his family members derived monetary benefits by receiving sum of Rs. 11,00,000/- out of amount of Rs. 32,50,000/- allegedly given by the family members of the complainant to them. It is however, a question of debate as to whether, the



ingredients for commission of offences punishable under Section 388 of IPC are attracted against the petitioner and such question has to be decided on the basis of thorough assessment of the evidence by the trial court at the appropriate stage and not by this Court. The subject offenses are triable by Magistrate. The petitioner is in custody since 04.10.2022. The trial will take time. Further detention of the petitioner in custody would not serve any useful purpose. The above discussed circumstances make out a case for release of the petitioner on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th August, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No