



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M No.46656 of 2024
Date of Decision: 28.01.2025

Sikander

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Pooja Jaglan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Rohit Kumar, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
318	16.07.2023	DLF Sector 29 (as per order dated 15.07.2024) and DLF (as per vernacular of the FIR), District Gurugram	120B, 342, 384 and 420 read with 34 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the basis of written complaint lodged by the complainant Nitin Wadhwa alleging

2025:PHHC:012637



therein that on 29.05.2023, he had visited Gurugram for official purposes. Since he was looking for hiring some property for his new assignment at Gurugram, therefore, he had made online search for some property dealer and received a call on his Whatsapp cell phone number. The caller while introducing him as a dealer and offering that he could show him some properties, called him to meet at MG Road Metro Station for that purpose. On being convinced by him, the complainant had agreed and had reached at the informed place. The said dealer took him to some place wherein he made the complainant sniff something as a result of which he lost his consciousness. On regaining the same, he found himself in a vacant flat with torn clothing. The accused Satwinder who projected himself as a dealer and co-accused Shivam were present there but while disclosing that they had prepared his video in objectionable condition with the accused Satwinder and by extending threat to make that video viral on social media platform, told him to part with a sum of Rs.20 lakhs. He was extended threats and was made to initially give a sum of Rs.2 lakhs to them and thereafter an amount of Rs.3.8 lakhs was got transferred from his bank account. It was only thereafter that he was released by the above named accused. After registration of FIR, investigation proceedings were initiated. It was revealed that the bank account in which the money was got transferred by the complainant, belonged to the present petitioner. He was arrested on 24.02.2024. On interrogation, he suffered disclosure statement to the effect that on being induced by accused Kanwarpal and on account of greed of money, he had opened a bank account in Axis Bank and had handed over the

2025:PHHC:012637



cheque book, ATM, Password and details of phone number registered in the said bank account to the co-accused Kanwarpal in lieu of a sum of Rs.30,000/-. Investigation now stands concluded and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. Trial is likely to take time. His further detention would not serve any useful purpose. The co-accused Kanwarpal whose case is on similar footing has since been extended benefit of bail. Therefore, it is urged that he too deserves to be released on bail.

4. Status report has already been filed. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner as he facilitated the commission of offence of blackmailing the victim by the co-accused by entering into a conspiracy with him and getting open bank account in Axis Bank, Baraut Branch and then handed over the cheque book, ATM Card of the same to accused Kanwarpal. He is beneficiary in the crime since as per his own version, he obtained a sum of Rs.30,000/- in the transaction. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that he does not deserve to be released on bail.

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

2025:PHHC:012637



6. The allegations against the petitioner are that he provided his bank account to co-accused Kanwarpal who in connivance with the co-accused Asif Ali had used the said account for the purpose of transfer of money extorted from the complainant. The petitioner is in custody since 24.02.2024. It is a debatable issue whether he has a direct hand in commission of offence of extortion, cheating as well as wrongful confinement of the complainant. The trial has commenced and is likely to take time. There is no basis for the contention that the petitioner may abscond or intimidate the witnesses. The subject offences are triable by Magistrate. Keeping in view the nature of the allegations as levelled against the petitioner, the period spent by him in custody and on parity with the co-accused Kanwarpal who has been extended benefit of bail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

28.01.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No