



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

CRM-M-48391-2024 (O&M)

Date of Decision: 27.01.2025

Israil

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Gurmeet, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 244, dated 04.08.2024, registered under Sections 384,120-B of IPC and under Section 7-A of Prevention of Corruption Act, Police Station Hathin, District Palwal, Haryana (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Javed Hussain son of Zakir and the same has been reproduced below:-

“On 04.08.24, a complaint No. 1692-PS dated 02.08.2024 was received at the police station. The details of the complaint are as follows, to the Superintendent of Police, Palwal Sir, I, Javed Hussain, son of Shri Zakir, a permanent resident of Ward No. 11, Hathin. On 16.05.2024, an FIR No. 149/2024 was registered against me at Hathin Police Station under Sections 307, 316, 376, 506, 323, 34 IPC, which was completely false, and regarding this I have all the evidence of my innocence. After the registration of this

case, my relative Israel Resident of Village Kultajpur PS Nagina (9728305786) was called by his friend Hansraj Patel alias Hansi (8094930002) to a government rest house at Mindkola, where they met DSP Suresh Bhadana and spent several hours together. Thereafter, Hansraj Patel call me through Israel to come to his brick kiln situated near the city. Where I along with Israel and his known Haji Zakir (Punhana) went there. There Israel and Hansraj demanded Rs. 6 Lakh from me to resolve the case, to which I expressed my inability to pay, then they said that your parents had gone for Hajj and on their return they will be caught on the airport. My parents are heart patients and are under regular treatment. Fearing from their threats, I told them that I could arrange only 4 lakh rupees. Then Israel and Hansi told that they will try to get done my work with in that amount. When I asked how they would do it, they said they would remove Sections 376, 316, and 307 from the case using evidence I had, and get my parents and younger brother namely Suhaib removed from the case and in lesser charges get the bail through police. Thereafter, I mortgaged my jewelry and arranged Rs. 3,50,000/- from a jeweler, adding some of my own money to make a total of 4 lakh rupees, which I gave to Israel and Hansraj on 04.06.2024 at Hansraj's kiln situated near the city. Thereafter, Israel and Hansraj blackmailed me for more money by threatening me to get arrest my parents and to get close my shop. On 11.06.2024, these persons came to me and I had given them additional Rs. 1,00,000/-. After that they had told me that they are going to the house of DSP Suresh Bhadana for giving money and returned back around 10 PM. After that, many times Israel stayed at my house or took me to their house under the pretext of police threats. They had continued blackmailing till 19.06.2024 up to when I had collected total Rs. 6 Lakh and the remaining Rs. 1 Lakh was given to them at my home after taking out from my bank. They took this money wrapped in a newspaper to the DSP's office. I thought I will get rid of from these persons and false case, but their greed did not stop. Section 376

was removed from my father's case and for getting the other sections they are trying to search some person in Chandigarh, who will get genuine forensic report from Madhuban at the earliest, which would require additional expense. Till then on 04.07.2024, my parents had returned from Hajj, and I had informed them about the incident happened with me and now the fear of their arrest was gone and now after frustrating from them I refused to give any money to Israel and Hansraj and decided to appear before you for getting proper investigation into the case. Sir, I have the call recordings and video recordings related to the 6 lakh rupees bribe taken by Israel and Hansraj Patel. By implicating Into the false case and by giving threatening to get arrest my parents Israel and Hansraj Patel had extorted Rs. 6 lakhs from me by blackmailing me and I have evidence regarding this. Therefore, I humbly request that strict action be taken against the guilty parties and provide justice to me thank you Your kind attention to this matter would be greatly appreciated. Enclosed: One pen drive from Javed Hussain S/O Shri Zakir Hussain, resident of Ward No. 11, Hathin Police Station.”

3. Learned counsel for the petitioner contends that the FIR in the present case has been got registered by the complainant after a delay of more than 02 months. Still further, the present petitioner is the father-in-law of the complainant and the complainant has concealed the said fact, while getting the FIR registered against the petitioner. He further contends that due to some family dispute, the petitioner has been falsely involved in the present case and the petitioner remained in custody for almost 02 months. He further contends that the challan has already been presented before the competent court of law and the custody of the petitioner may not be required.

4. A status report by way of an affidavit of Superintendent of Police,

District Palwal has been filed on behalf of respondent-State and the same is taken on record.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and he is not entitled for grant of concession of regular bail by this Court.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. In the present case, the petitioner is the father-in-law of the complainant and there appears to be some dispute between the relatives. Moreover, the petitioner was ordered to be released on interim bail vide order dated 01.10.2024, passed by this Court and there is no allegations that the petitioner had misused the concession of interim bail in any manner. Still further, the respondent-State of Haryana has not placed on record any material to indicate that the petitioner is in a position to influence the witnesses of the prosecution.

8. Without commenting on the merits of the case, the present petition is allowed and the interim order dated 01.10.2024 is made absolute. It is made clear that the petitioner shall continue to appear before the Trial Court on each and every date of hearing and shall not absent himself from the Trial Court proceedings, without prior permission of the Trial court.

9. Pending application(s), if any, stand(s), disposed of, accordingly.

27.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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