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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63197-2024
Date of decision: 01.04.2025

Ramgopal alias Gopal

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rohit Kumar, Advocate for
Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This second petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR
No.566 dated 19.08.2023 under Sections 384/506 of IPC (Sections
120-B/386/387 of IPC added later on and Section 384 of IPC deleted later on)
registered at Police Station Chandni Bagh, District Panipat. Earlier petition was
dismissed as withdrawn on 29.10.2024.

Concisely, the facts of the case are that on 19.08.2023 at about
04:10 P.M., the complainant got WhatsApp calls on his mobile number from
mobile No.6683802380 and since, he was busy in meeting, he could not pick
up the calls but around 08:05 P.M., again the call came from the same number
and the complainant picked the same. The caller disclosed his name as Akshay
and demanded Rs.1 crore as ransom by extending threats that if money was not
paid within two days, the complainant and his family would be killed and the
caller also referred to 'Kala Jatheri' and thus, the instant case.

Learned counsel for the petitioner submits that the present petition



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has been filed with the changed circumstances as now, with the intervention of the respectables of the society, a compromise has been effected between the parties. He further submits that a petition under Section 482 of Cr.P.C. bearing No. CRM-M-34313-2024 titled as 'Ram Gopal Vs. State of Haryana and another' has also been filed seeking quashing of FIR (*supra*) on the basis of compromise and this Court vide order dated 19.07.2024 has directed the parties to record their statements regarding compromise. Further, the petitioner has been falsely implicated in the present case, final report has already been presented and it is not a case of extortion. The facts have been twisted to increase the gravity of the offence.

The learned State counsel has filed status report dated 29.03.2025 by way of an affidavit in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that there is sufficient material to indicate the complicity of the petitioner in the present case and keeping in view the serious allegations, the petitioner is not entitled to any concession of bail and he is also involved in two other cases. However, he could not controvert the fact that the the petitioner has approached this Court by way of filing CRM-M-34313-2024 titled as 'Ram Gopal Vs. State of Haryana and another' seeking quashing of FIR (*supra*) on the basis of compromise in which the complainant, namely, Sanjay Aggarwal had appeared before the jurisdictional Court.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of



the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 17.11.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as charges have not been framed so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in 'Prabhakar Tewari Vs. State of U.P. and another' 2020 (1) R.C.R. (Criminal 831) and 'Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another', 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Ramgopal alias Gopal is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of

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opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

01.04.2025*Neha*

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