IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

209

CRM-M-6-2025
Date of decision: April 01, 2025

MOHD. TANVEER

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravindra Singh, Advocate
and Mr. Nirmal Sharma, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 482 of BNSS, 2023 seeking grant of anticipatory bail in case FIR No.10 dated 10.01.2022, under Sections 323, 388, 506 of IPC, 1860 (Section 386 of IPC, 1860 was added later on), registered at Police Station Sector 5, Gurugram, District Gurugram (Annexure P-1).

2. After issuing notice of motion on 03.01.2025, the petitioner had been granted interim bail by this Court vide order dated 27.01.2025, with direction to join investigation and the relevant part of the order dated 27.01.2025 reads as under:-

> *"Learned counsel for the petitioner submits that as per the allegations levelled in the FIR in question, there were two men and three women who had asked the complainant to come to the place of occurrence on the pretext of giving some medical treatment to one of them. On reaching the place of occurrence, he was thereafter assaulted by two men and the other three women. Learned counsel submits that the two men who had allegedly assaulted the complainant were Ajay @ Naresh,*

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Naushad and one Malti. Learned counsel submits that in the circumstances when only two men were present at the place of occurrence and had allegedly assaulted the complainant, there was no question of the petitioner being present at the relevant spot and thus he cannot be linked with the alleged demand of extortion.

Learned State counsel, however, has controverted the submissions made by the counsel opposite and has submitted that the extortion amount in the sum of Rs. 1 lakh was deposited into the account of the petitioner by none other than the complainant and hence his involvement in the crime in question was writ large.

Counsel for the petitioner, however, has refuted the averments made by the counsel for the State and has instead submitted that no doubt Rs. 1 lakh had indeed been transferred into the account of the petitioner but it is a matter of record that out of approximately Rs.1 lakh, Rs. 88,000 had been withdrawn and thereafter transferred through UPI into the account of the co-accused and the remaining amount was also withdrawn which was in the sum of Rs.12,000/- and handed over to Naushad on whose disclosure statement the petitioner had been nominated. Learned counsel has further submitted that although totally baseless allegations have been levelled against the petitioner, however, the petitioner is still willing to join investigation and cooperate with the investigating agency by returning the amount which was deposited in his account. It has also been asserted by the learned counsel that the petitioner has no previous criminal antecedents. In view of the submissions made by the counsel in the Court today, petitioner is granted one opportunity to join investigation and cooperate therewith."

3. Learned counsel for the petitioner reiterates that false and fabricated allegations have been levelled against the petitioner. He submits that in compliance of order dated 27.01.2025, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner

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is not required for further investigation, much less for their custodial interrogation.

5. In view of the above, the petition is allowed, and interim order dated 27.01.2025 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

April 01, 2025 **(MANJARI NEHRU KAUL)**
Jaspreet Kaur **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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