

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-17963-2015

Date of Decision: November 17, 2015

Sarvesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Lakhwinder Singh Sidhu, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of bail to the petitioner, Sarvesh, son of Shiv Kumar
Sharma, resident of House No. E-9/322, Street No. 4, Mohalla

Gurpreet Nagar, Noorwala Road, Ludhiana, who has been booked for having committed the offences punishable under Sections 120-B, 323 and 363-A, IPC, in a case arising out of FIR No. 107, dated 31.12.2014, registered at Police Station, Koom Kalan, District Ludhiana.

Learned counsel contends that the petitioner is 60% permanently disabled person; the petitioner was arrested on 2.1.2015; after completion of the investigation, the charge-sheet (challan) was presented before learned Court below and thereafter the case was committed to the Court of Session; after framing of the charges, the case has been adjourned several times, but the prosecution has not been able to produce its witnesses; the petitioner is neither required nor involved in any other case; the only allegation against the petitioner is that he was driving the car in which the minor child was allegedly carried away after kidnapping; and that while running away from the spot, the petitioner hit his car to Smt. Ruksana, mother of the minor child who was kidnapped.

Learned counsel for the State on instructions from HC Jasbir Singh of Police Station, Khoom Kalan, District Ludhiana, very fairly concedes that the petitioner is suffering from Polio

and is a permanent disabled person, but he is unable to narrate the percentage of his disability. He further fairly concedes that the petitioner was arrested on 2.1.2015 and after completion of the investigation, the charge-sheet (challan) was presented for his prosecution. He further concedes that Smt. Ruksana had received simple injuries only. However, he has opposed grant of bail to the petitioner on the premise that the petitioner had hatched the conspiracy with his co-accused for kidnapping of the minor child of the informant.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

It is the conceded position that the petitioner is neither required nor involved in any other case; he is behind the bars for the last more than ten months; the investigation is complete and the charge-sheet has also been presented, therefore, further custody of the petitioner does not appears to be necessary in the present case; and that despite several opportunities, the prosecution has not been able to produce its witnesses and, as such, the present petition is accepted and the petitioner, Sarvesh, son of Shiv Kumar Sharma, resident of House

No. E-9/322, Street No. 4, Mohalla Gurpreet Nagar, Noorwala Road, Ludhiana, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bail bond to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

(NARESH KUMAR SANGHI)
JUDGE

November 17, 2015
Pkapoor