

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. M- No. 43037 of 2014 (O&M)

Date of decision : 26.02.2015

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Ram Sarup

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Diya Sodhi, Advocate
for the petitioner.

Mr. Pawan Girdhar, Addl. AG, Haryana

LISA GILL, J.

This order shall dispose of two criminal misc. petitions i.e.

Criminal Misc. M- No. 43037 of 2014 (Ram Sarup versus State of Haryana) and **Criminal Misc. M- No. 41300 of 2014** (Vinod Kumar versus State of Haryana).

The petitioners pray for bail pending trial in FIR No. 219 dated 25.10.2013 registered under Sections 364A, 365, 342, 506 IPC read with Section 25/54/59 Arms Act at Police Station Ding, District Sirsa.

It is submitted that the petitioners have been falsely implicated in this case. Material witnesses have not supported the prosecution case. As per allegations in the FIR, the petitioners were involved in kidnapping of Subhash Chander for ransom. Subhash Chander was purportedly released on receiving the amount of ₹ 40 lakhs from his brother Sanjay Kumar. It is submitted that the petitioners are not involved in this incident which is evident from the

stand taken by Sanjay Kumar (PW2) i.e. brother of the victim Subhash Chander. He has not supported the prosecution version and has categorically stated that the accused persons present in Court were not among the persons to whom money had been handed over. (PW1) Nahar Singh alias Kaka i.e. driver of the car in which Subhash Chander was travelling has also not supported the prosecution version. Photocopy of testimony of Sanjay Kumar recorded on 11.02.2015 has been produced in Court today, which is taken on record subject to just exceptions. It is further submitted that the alleged victim Subhash Chander as well as the complainant Ravinder Kumar son of Kundan Lal had categorically stated before the learned trial Court that they have no objection to the grant of bail to the petitioner – Ram Sarup .

Petitioner – Vinod Kumar has been in custody since 23.03.2014 whereas petitioner – Ram Sarup has been in custody since 27.10.2013. No useful purpose shall be served by keeping the petitioners in custody any longer. Learned counsel for the petitioners affirms and contends that the petitioners are not involved in any other case.

Learned counsel for the State contests the grant of bail to the petitioners while submitting that the witnesses turning hostile cannot be a ground to grant concession of bail to the petitioners. The testimony of the above said Sanjay Kumar and Nahar Singh wherein they have not supported the prosecution version is not denied.

Statements of the victim Subhash Chander and complainant

Ravinder are also not denied. Petitioners have been in custody since the dates mentioned above. Trial is not likely to conclude in the near future.

Having heard learned counsel for the parties and keeping in view the facts and circumstances narrated above as well as specific averment that the petitioners are not involved in any other case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow these petitions.

Consequently, the petitioners shall be released on bail pending trial subject to their furnishing requisite bail bonds and surety bonds to the satisfaction of learned trial Court.

February 26, 2015
rts

(LISA GILL)
JUDGE