

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

***CRM No.M-17472 of 2016 (O&M)
Date of decision : 24.05.2016***

Satyawan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Virendra Rana, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.163 dated 23.04.2015, under Sections 364/365/323/506/120-B IPC, registered at Police Station Pataudi, District Gurgaon.

FIR came to be registered on the statement of Shokeen. Allegations were that on 23.04.2015 at about 02:30 P.M., nephew of the complainant i.e. Mustaq has been kidnapped by Ansool, Kokli, Parvinder, Naval and Ajay and taken away in a Scorpio vehicle.

Even though, name of the petitioner did not figure in the FIR, yet he was implicated in the present case on the basis of a disclosure statement of co-accused, Ansool and was arrested on 26.04.2015.

During the course of investigation, out of 5 persons named by the complainant, 3 have been found to be innocent by the Investigating Agency.

Petitioner was admitted to bail by the trial Court.

However, on account of having absented from the trial proceedings on 16.02.2016, concession of bail was cancelled and bail bonds were forfeited.

Petitioner, thereafter, has surrendered on 17.03.2016.

Even though, petitioner has misused the concession of bail, yet he has now faced incarceration for a period of two months and his implication is also solely on the basis of the disclosure statement of co-accused.

Without making any observations on the merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

Disposed of.

24.05.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE