

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

**CRM No.M-207 of 2017
Decided on: 19.01.2017**

Himanshu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Mr. Nonish Kumar, Advocate
for the complainant.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.478 dated 29.07.2016, for offence punishable under Sections 148, 149, 323, 364, 452 and 506 of the Indian Penal Code (in short 'IPC') registered in Police Station City Jagadhri, District Yamuna Nagar.

Counsel for the petitioner has submitted that the petitioner is in custody since 31.08.2016 and is no longer required for the purpose of investigation. On completion of investigation, challan has been presented in the Court and charge has been framed. Co-accused in the case namely Gaurav Kamboj @ Gauru was allowed the benefit of bail vide order dated 29.11.2016 passed by this Court. It is further submitted that the petitioner is ready to face the proceedings without any default subject to the conditions to be imposed by this Court.

Counsel for the State of Haryana assisted by Mr. Nonish Kumar, Advocate, counsel for the complainant has opposed the prayer for bail with the submission that the alleged kidnapped person/complainant is yet to be examined and the case is fixed for 08.02.2017 before the trial Court. Another submission made by counsel is that there are other 03 criminal cases registered against the petitioner as has been noticed in the order passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri.

I have heard counsel for the parties and perused the paperbook particularly the allegations raised in the FIR.

As per plea of the complainant, he was kidnapped and was being taken away in a car in which Gaurav, Monty and Aftab were travelling whereas the present petitioner is stated to be travelling in another car. No overt act has been attributed to the petitioner and conclusion of trial is likely to take its own time. There is no allegation against the petitioner that he is likely to flee from the process of justice in case released on bail. The petitioner is on bail in the other cases registered against him and is facing the proceedings.

Without commenting upon merits of the case, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

(i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(ii) He shall not leave India without the previous permission of the Court.

19.01.2017
yakub

(REKHA MITTAL)
JUDGE

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