

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25944 of 2018
Date of decision: 13.07.2018

ASHOK

..Petitioner

VS.

STATE OF HARYANA

..Respondent

CORAM:HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjiv Sheroran, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

SUDHIR MITTAL, J.(ORAL)

The petitioner seeks regular bail in case FIR No.278, dated 25.10.2017, registered at Police Station Baroda, District Sonapat under Sections 364-A, 506 and 34 IPC.

According to the FIR, the petitioner is alleged to have kidnapped the complainant and under threat as made him sign some papers regarding sale of land and further threatened him and his son to give ₹ 33 lakhs otherwise he and his grand-son would be killed.

Learned counsel for the petitioner submits that the allegations in the FIR are false. The incident is of 10.10.2017, whereas the FIR was got registered on 25.10.2017. In fact, the complainant has agreed to sell two acres of his land to the petitioner and a sum of ₹16 lakhs, has been received by him. He has become dishonest, therefore, a false FIR has been registered. The agreement to sell has been produced during the police investigation. The complainant has admitted execution of same. Moreover, the investigation is complete and no useful purpose would be served by keeping him in judicial custody indefinitely.

Learned State counsel submits that the petitioner is accused of having committed a serious offence. There are four criminal cases pending against him. Thus, the petitioner does not deserve to be granted regular bail.

Considering the fact that there is an agreement to sell between the parties and that there is a delay of 15 days in lodging the FIR, there appears prima facie case in favour of the petitioner. Moreover, the investigation is complete and no useful purpose would be served by keeping him in judicial custody indefinitely.

In view of the above, the petition is allowed and the petitioner-Ashok is directed to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court concerned.

July 13, 2018
Poonam (II)

(SUDHIR MITTAL)
JUDGE

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