

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

**CRM-M-45896-2018
Date of decision: 26.10.2018**

Gulab

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 147 dated 24.05.2018, registered under Sections 148, 149, 365 of the IPC (Sections 323, 342, 452, 367 of the IPC were added later on), registered at Police Station Bhiwani Civil Lines, District Bhiwani.

Learned counsel for the petitioner submits while granting regular bail to co-accused Manjit Singh on 15.10.2018, the following order was passed in CRM-M-42263-2018:

“Learned counsel for the petitioner, at the very outset, submits that three co-accused of the petitioner, namely Krishan Kumar, Balwan and Sandeep, have already granted concession of regular bail, vide common order dated 12.10.2018, passed in CRM-M Nos. 44399 & 44417 of 2018. The operative part of the said order reads as under:

“These petitions have been filed under Section 439 of the Code of Criminal Procedure for

grant of regular bail to petitioners Krishan Kumar, Balwan and Sandeep in case FIR No. 147 dated 24.05.2018, under Sections 148, 149, 365 of the IPC (Sections 323, 342, 452, 367 of the IPC added later on), registered at Police Station Bhiwani Civil Lines, District Bhiwani.

Learned counsel for the petitioners submits that the allegations against petitioners Krishan Kumar and Balwan in the FIR are that complainant Deepak stated that on 03.05.2018, seven persons, namely Sandeep, Vicky, Manidhar, Vikas, Vikram, Pona and Krishan Kumar, had kidnapped him and had taken him to the house of one Somvir in village Kheri Meham from Bhiwani where both the petitioners were present and they along with other co-accused beaten the complainant in that house.

Learned counsel for the petitioners has further submitted that in fact much prior to the registration of the present FIR, two FIRs were registered against complainant Deepak i.e. FIR No. 223 dated 12.04.2018, under Section 365 IPC at PS-Meham as the complainant had kidnapped the minor daughter of petitioner No. 1 Krishan Kumar and later on, during investigation, the police has added Sections 376 IPC and Section 4 of the POCSO Act and has arrested the complainant. It is further submitted that another FIR No. 583 dated 07.10.2017, under Sections 34 and 354-D(1)(i) of the IPC was also registered at Police Station Meham against the complainant on the complaint of Monika, wife of Sandeep,

petitioner in CRM-M-44417-2018.

Learned counsel for the petitioners has further submitted that allegations against petitioner Sandeep are the afterthoughts as the present FIR is a counter-blast to the aforesaid FIRs, registered against the complainant, as the complainant was harassing the female members of the family of the petitioners as noticed above.

It is further submitted that petitioners Krishan Kumar and Balwan is in judicial custody since 04.07.2018 and petitioner Sandeep is in judicial custody since 16.06.2018 and the investigation is complete and challan stands presented and it will take a long time in conclusion of the trial.

Learned State counsel, on instructions from ASI Satyapal, has not disputed the factual position and submitted that none of the petitioners is involved in any other case and the investigation is complete.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that prior to registration of the present FIR, two FIRs were registered against complainant Deepak for harassing the female members of the family of the petitioners in which the complainant was later on arrested and also considering the fact that investigation is complete and petitioners are not involved in any other case; the instant petitions are allowed. Petitioners Krishan Kumar, Balwan and Sandeep are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate concerned.”

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 03.07.2018 and he is no more required for further investigation and he was not named in the FIR so far the allegations of kidnapping are concerned. It is also submitted that petitioner is not involved in any other case.

Learned State counsel, on instructions from ASI Satpal, has not disputed the factual position.”

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 19.08.2018 and he is not involved in any other case .

Learned State counsel, on the basis of the custody certificate filed in Court today and on instructions from ASI Satya Pal, has not disputed the aforesaid facts.

I have heard learned counsel for the parties.

Without commenting anything on merits of the case and considering the facts that the petitioner is in judicial custody since 19.08.2018; co-accused of the petitioner have already been granted concession of regular bail as noticed above and also in view of the fact that investigation is complete and petitioner is not involved in any other case, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

October 26, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*