

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34866-2018

Date of decision: 09.04.2019

Himanshu @ Devraj

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Makkar, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.723 dated 19.10.2017 under Sections 186, 307, 332, 34, 353 IPC and Sections 5/25 of Arms Act, registered at Police Station City Rohtak, District Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, one Arun Narula informed the police that some kidnappers have kidnapped his driver Virendra Singh and are demanding ransom. Upon this, present FIR was registered. It is further submitted that the petitioner was not named in the FIR and at the first instance, one of the accused Devraj was arrested and even in his disclosure statement, name of the petitioner did not surface. Learned counsel further submits that now the statement of Virendra Singh, the person, who was allegedly kidnapped in the incident, has been recorded.

Learned counsel for the petitioner has placed on record certified copy of the order, in which this witness was declared hostile, because he did not identify the petitioner as one of the assailant and rather stated that he has seen him for the first time in the Court. It is further submitted that the petitioner is in custody for the last 01 year, 05 months and 17 days and conclusion of the trial will take some time.

Learned State counsel, on the basis of custody certificate dated 08.04.2019 filed in the Court today, has not disputed the factual position, however, has submitted that the petitioner is involved in one more FIR.

Without commenting anything further on merits of the case, considering the fact that the victim has not supported the prosecution version and he was declared hostile and also considering the fact that the petitioner is in custody for the last 01 year, 05 months and 17 days, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

09.04.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No