

213
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40885-2018 (O&M)
Date of decision : 18.1.2019

Aajair Rahman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vivek Sethi, Advocate for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 71 dated 23.3.2018, under Section 364-A of the Indian Penal Code, registered at Police Station Bawal, District Rewari.

It comes out that one 09 years old male child, who was dumb, was kidnapped for ransom by the co-accused-Moinel. The allegations against the present petitioner is that he was the master mind and the crime was committed at his behest. However, neither he came to collect the ransom nor kidnapped the child. The child was not recovered from his possession.

On the last date of hearing, it was disclosed that out of 12 witnesses, 11 witnesses have been examined but the complainant-Harun is not traceable. State was given one more opportunity to produce the complainant before the trial Court.

Today, learned State counsel has informed that non bailable warrants of the complainant-Harun has been issued but he is not traceable. Therefore, it is not known as to when the complainant-Harun will be examined. He further submits that there is no other case pending against the present petitioner.

Present petitioner is stated to be in custody since 25.3.2018 i.e., for about little less than 10 months.

Since there is no other case against the present petitioner and that it is not known as to when the complainant-Harun will be examined, there is no ground for further detention of the present petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 2,00,000/- with one surety of the like amount to the satisfaction of the trial Court subject to following conditions: -

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

18.1.2019
preeti

Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No