

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-48103 of 2018

Date of Decision: 15.05.2019

Mohammad Yamin

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Mohammad Arshad, Advocate
for the petitioner(s).

Mr. Aashish Sanghi, Deputy Advocate General,
Haryana for the respondent.

Shekher Dhawan, J.

Present petition under Section 439 Cr.P.C. for granting regular bail to the petitioner in case FIR No. 116 dated 12.03.2016, registered under Section 365 IPC (Sections 420, 341, 302, 201 & 120-B IPC were added lateron) at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner contended that petitioner has been falsely implicated in the case. As per first information report available with the police, one unknown person had kidnapped Subhash son of Neki Ram and took him to an unknown place in his car make Safari bearing registration No. HR-26-CN-0021. Learned counsel further contended that petitioner is in custody since 26.06.2017 and trial of the case still to take some more time. Learned counsel also submitted that co-accused of the petitioner, namely Kuldeep Singh alias Kala and Neelam have already been

released on regular bail. Prayer has been made that present petition be accepted and petitioner be released on regular bail.

Learned counsel for the respondent opposed the prayer for releasing the petitioner on regular bail on the ground that he is the main accused in the case as the vehicle, which was used for kidnapping Subhash, was recovered on his disclosure statement and his case is distinguishable from that of his co-accused, namely Kuldeep Singh alias Kala and Neelam. As such, present petition be dismissed.

Having considered the above facts and submissions made by learned counsel for both the parties, case of the petitioner is certainly distinguishable from that of his co-accused, namely Kuldeep Singh alias Kala and Neelam. As per prosecution case, vehicle used for kidnapping Subhash was got recovered as per disclosure statement of the petitioner. Thus, petitioner does not deserve the concession of regular bail and present petition stands dismissed. As the petitioner is in custody since 26.06.2017, the learned trial Judge is directed to expedite the trial and make an endeavour to conclude the same within a period of six months from the date of receipt of a certified copy of this order.

(Shekher Dhawan)
Judge

May 15, 2019
“DK”

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