

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

**CRM-M No. 47785 of 2019
Date of Decision:-14.11.2019**

Karan Singh @ Karni

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Karan Singh @ Karni has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 337 dated 24.8.2019, under Sections 323, 365 and 506 read with Section 34 IPC, registered at Police Station Khedki Daula, District Gurugram. The petitioner is in custody since his arrest on 03.10.2019.

The FIR was registered upon receipt of an information in the control room regarding abduction of Preetam. The police visited the spot. There, Parvesh (brother of victim) informed the police that his brother Preetam has been abducted by Jagbir, Vikram and son of Kalu. Later on, it was found that the said victim was taken to General Hospital, Sector 10, Gurugram, where his statement was recorded. As per version of Preetam,

he was having about 50 cows and as routine, he went to jungle Naurangpur for their grazing. At that time, accused Jagbir, Vikram and son of Kalu came on a motor-cycle and caught hold of him. Alongwith them two vehicles were also came in which accused Laxman, Teji and Rohit were present. Thereafter, accused Jagbir, Vikram and son of Kalu put him in the vehicle and started beating him. Accused Jagbir also took his (Preetam's) phone and switched off. In the way, accused Jungli also boarded the vehicle. Thereafter, they took him to Bhondsi hills. Accused Vikram and Laxman tied his hands behind. At that time, Karni (petitioner) also came there and started beating him. The accused persons gave him beatings with danda and belts. They also put him in the water 3-4 times and after threatening to kill him, threw him in the area of village Bargujar.

Learned counsel for the petitioner contends that there is no allegation against the petitioner for abduction of Preetam, who was abducted by Jagbir, Vikram and son of Kalu. As per FIR, only simple injuries are attributed to the petitioner, and therefore, the offence punishable under Section 323 IPC only would be attracted. He submits that the offences are triable by Magistrate and the only role attributed to the petitioner is that he came later on and gave beatings to Preetam. He further submits that including co-accused Jagdish @ Jangli, five other accused have been granted bail by the learned trial Court. He further submits that nothing is to be recovered from the petitioner, therefore, further detention of the petitioner may not be necessary as the trial is likely to take some time.

On the other hand, learned State counsel, who is assisted by ASI Karambir Singh, opposed the prayer on the ground that it is the petitioner, on whose asking, Preetam had been abducted by other accused persons and thereafter they, in connivance with each other, tortured and given beatings to the complainant. However, he does not dispute that accused Jagbir, Tejpal, Laxman, Vikram and Rohit were granted bail by the trial Court.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Gurugram.

The petition is allowed.

November 14, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No