

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

CRM-M-50967-2019

Date of Decision: 12.12.2019

Pawan Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure seeking bail pending trial in case FIR No.136 dated 08.03.2019 registered under Section 387 of the Indian Penal Code (Section 120 IPC was added later on) at Police Station Model Town, Rewari, District Rewari.

Above FIR was registered on the basis of statement made by Deepak Soni with the allegations that he is running a shop in Brash market under the name of Navdeep Jeweller Pvt. Ltd. On 08.03.2019, at about 2:30 p.m. he was sitting in his shop then he received one telephone call from mobile No.9416508664 and caller disclosed his name as Pawan Dadra, claiming himself to be the man of Dr. Kuldeep

and demanded ransom, otherwise to face the consequences.

Contends that alleged mobile number does not belong to the petitioner and he is in custody since, 08.03.2019 and after investigation in the matter report under Section 173 Cr.P.C. has been submitted and charges have also been framed. Further contends that there are total 13 prosecution witnesses, but only four have been examined till date and now the case is fixed for 16.12.2019.

On instructions from the police official, learned State counsel has acknowledged that mobile number used in the present case is not issued in the name of the petitioner.

Heard learned counsel for the parties and perused the paper book.

Since the investigation is already over in the matter and the petitioner is in custody since 08.03.2019, there are total 13 prosecution witnesses, but only 04 have been examined till date. Thus, trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Pawan Kumar be admitted to bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case

pending before learned trial Court.

It is also clarified that, in case there is recurrence on the part of the petitioner then the prosecution will be at liberty to recall this order.

December 12, 2019
rashmi

[MAHABIR SINGH SINDHU]
JUDGE

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no