

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

114

**CRM-M-38395-2020
Date of decision: 21.12.2020**

Harender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Shailender Singh Momi, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.108 dated 28.05.2020 registered under Sections 148, 323 and 364 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") and Section 25 of the Arms Act, 1959 at Police Station Jhojhu Kalan, District Charkhi Dadri.

The petition has been opposed by learned State Counsel in terms of status report filed by way of affidavit of Bali Singh, HPS, Deputy Superintendent of Police, Charkhi Dadri.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. False case has been

registered against the petitioner and his co-accused on the concocted allegations of kidnapping. If the intention of the the petitioner and his co-accused was to abduct the the complainant with intent to murder him, then they would not have left him on the road near the village with his bag of money. From the allegations made in the FIR offence under Section 364 of the IPC is not made out. As per the MLR the injuries alleged to have been caused by the petitioner to the complainant were found to be simple. The petitioner and his co-accused Yogesh are alleged to have committed the offences due to grudge of capture of the truck carrying illicit liquor by the police but the truck in question did not belong to the petitioner and the petitioner and the complainant were not named as accused in case FIR No.0050 dated 18.03.2020 registered under Sections 60 and 63 of the U.P. Excise and Taxation Act, Section 307 of the IPC and Section 207 of the Motor Vehicles Act, 1988 in Police Station Bhanpur, District Lalitpur. The petitioner is involved in one more case in which he is on bail. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner along with his co-accused abducted the complainant with intent to murder him. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case,

nature of accusation and evidence against the petitioner, the fact that injuries alleged to have been caused by the petitioner to the complainant were found to be simple and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of any similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

21.12.2020

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(ARUN KUMAR TYAGI)
JUDGE

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