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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53341-2019

Date of Decision: 14.01.2020

Virender @ Binder

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Randeep S. Dhul, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.401 dated 31.08.2016, under Sections 364-A, 216, 387, 511 and 120-B IPC and Section 25 Arms Act, 1959, registered at Police Station City Kaithal, District Kaithal. He is in custody since 22.08.2019.

The FIR in the present case was registered on the statement of complainant Dr. Rajiv Sood, wherein it was stated that on 25.08.2016 at about 5:30 P.M., when he was sitting in his clinic, two young boys came there and told their names as Naveen Kawalpuriya and Vijay Pandit. They told him that they were sent by Surender Gyong and Kaushal residents of Gurgaon. Naveen Kawalpuriya placed his mobile on complainant's ear to receive a call and the person calling from other side told his name as Surender Gyong and demanded ₹20 lakhs. On this, complainant told him that he was not in position to pay the said amount and requested for some time. Surender Gyong said that his boys would come to him after some

days for taking the amount. He threatened that if the said amount is not paid and if any information is given to the police then the complainant and his family would be finished. Due to that he got panicked and did not disclose the said matter to any one on that day.

Learned counsel for the petitioner contends that the petitioner was released on regular bail vide order dated 14.10.2016. However, during trial, he absented on 04.12.2018 and, therefore, his bail was cancelled and his bonds were forfeited to State. The petitioner surrendered himself on 22.08.2019 and joined the trial proceedings. It is pointed out that complainant, namely, Dr. Rajiv Sood has been examined as a witness, who has not supported the prosecution case. He has produced the statement of the said witness, who was examined as PW-1. He submits that the trial is likely to take some time, therefore, further custody of the petitioner may not be required.

On the other hand, learned State counsel assisted by SI Chanderbhan has opposed the prayer, but she has not disputed this fact that the petitioner had himself surrendered before the trial Court on 22.08.2019 and was taken into custody. She also does not dispute this fact that the complainant has turned hostile.

After hearing learned counsel for the parties, this Court is of the opinion that 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. Resultantly, 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 Kaithal.

The petition is allowed.

14.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No