

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

Sr. No.205 (2 cases)

CRM-M-604-2021

Date of decision:- 12.1.2021

Aakarsh @ Aakarsh Dhingra

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CRM-M-617-2021

Manjot Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. D.S. Sidhu, Advocate, for the petitioners
in both petitions.

Mr. H.S. Sitta, AAG, Punjab.

SUDHIR MITTAL, J. (Oral)

This common order shall disposed of aforementioned two petitions as the petitioners therein are co-accused in FIR No.174 dated 24.5.2020, registered at Police Station City Kapurthala, District Kapurthala, under Sections 363, 366-A, 34 IPC, Sections 365 and 506 IPC and Section 12 POSCO Act, 2012 added subsequently.

According to the FIR, the petitioners were stalking the complainant and she was being compelled to marry the petitioner, namely, Manjot Singh. On 23.5.2020, she was kidnapped by the petitioner-Manjot Singh on the pretext of marrying her and that the petitioner, namely, Aakarsh @ Aakarsh Dhingra has assisted him in kidnapping.

Learned counsel for the petitioners submits that after withdrawal of the first bail petition on 3.11.2020, the statements of prosecution witnesses have been recorded. PW-1 is the father of the complainant and he has not supported the case of the prosecution. PW-2 is the complainant herself and she has deposed that she was not kidnapped. The statements have been annexed as Annexures P-4 and P-5, respectively. Thus, it appears to be a case of malicious prosecution and the petitioners deserve to be granted regular bail.

Custody certificate dated 11.1.2021 has been produced in Court and the same is taken on record. According to this certificate, the petitioners have undergone actual custody of 07 months and 17 days.

Learned State counsel has nothing to say in response to the arguments of learned counsel for the petitioners.

It is, thus, evident that the prosecution witnesses have turned hostile. The petitioners have been in custody for 07 months and 17 days already. Thus, they deserve to be released on regular bail.

Accordingly, the petition is allowed and the petitioners, namely, Aakarsh @ Aakarsh Dhingra and Manjot Singh, are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

A photocopy of this order be placed on the file(s) of other connected case(s).

(SUDHIR MITTAL)
JUDGE

12.1.2021

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No