

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

207

**CRM-M-2635-2021
Date of decision: 30.04.2021**

SULTAN AHMAD

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vineet Chaudhary, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, 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 grant of regular bail in case FIR No.465 dated 05.09.2019 registered under Sections 365, 364-A and 120-B of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Ambala Cantt, District Ambala.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Ram Kumar, HPS, Deputy Superintendent of Police, Ambala Cantt, District Ambala in the Registry which is taken on record.

I have heard learned counsel for the petitioner and learned

State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. FIR regarding kidnapping of the complainant was registered against the three unknown persons. The petitioner was not named in the FIR and no test identification parade was got conducted for his identification from the complainant. The petitioner did not kidnap the complainant with intention to wrongfully confine him or to demand ransom and did not have any connection with other co-accused. As per the prosecution version amount of Rs. 1100/- was recovered from the petitioner and driving licence of victim was recovered from the house of sister of the petitioner. There is no incriminating evidence to connect the petitioner to the crime. 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 argued that the petitioner is accused of having committed heinous offences. 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.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the petitioner was not named in the FIR, no test identification parade was got conducted by the investigating officer and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection 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.

30.04.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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