

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6807-2021

DATE OF DECISION: FEBRUARY 18, 2021

SOMBIR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. NAVEEN SIWACH, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.193 dated 26.7.2020, under Section 365, 367, 368, 285, 506 IPC (Section 25 Arms Act and Section 377 IPC deleted), Police Station Agroha, District Hisar. The petitioner is in custody since his arrest on 7.8.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Hisar, in his order dated 27.1.2021, are as under:-

“Complainant Chottu Ram alias Sunil presented an application to the effect that he deals in sale and purchase of old cars. He had an I20 car bearing registration No. HR-51B-9819, which was purchased by him from some person of Fatehabad. He kept the car for 20-25 days with him and sold the same to Kuldeep son of Satbir for Rs. 3.5 lacs. After 3-4 days, Kuldeep expressed his desire to sell off the car. After 10 days, the complainant arranged the sale of car to a Fatehabad person for Rs. 3.5 lacs. After one month, said purchaser paid Rs.3.5 lacs to him. The complainant informed

Kuldeep that he has received the sale consideration of the car, however, he has himself used the money and agreed to return the same after a few days, to which Kuldeep agreed. On 10-11/07/2020, the complainant received a telephonic call from Kuldeep to meet at Landhri Road, Agroha. The complainant reached there on his white colour Apache motor cycle. Kuldeep and his 4-5 friends were standing therein in white Ritz car. All of them snatched his motor cycle and forcibly put him inside Ritz car. Inside the car, Kuldeep demanded his money back, otherwise threatened to kill him. The complainant stated that Kuldeep and his friends Sandeep son of Tek Ram, Sombir son of Tek Ram, Sombir son of Satish and Gholu son of Leelu took him to Kuldeep's fields in village Matloda and gave him beatings. He was kept tied there only. Kuldeep's father Satbir also reached at the spot. In the evening, all of them started consuming liquor. The complainant requested to use wash room. He was untied by the accused. The complainant tried to flee taking the advantage of dark hours, however, one of the young boys fired upon him. Hearing the sound of gunshot, the complainant hid himself in a Dhani, however, all of them succeeding in catching hold of him. They put him inside the car and took him to the canal. They gave him beatings and threatened him to call for money, otherwise they would kill him by throwing in the canal. They again put him inside the car and took him to Kuldeep's other fields. The boy wearing blue shirt inserted a stick inside his private parts. The complainant got unconscious and when he regained consciousness, Kuldeep again demanded money from him. The complainant called his brother Kurshad, who brought the cheque and handed over the same to the accused. Thereafter, the complainant was let off. The complainant

made an excuse to his brother that he suffered injuries by falling down on the ground. The complainant stated that Kuldeep had also made a video of the obscene act committed with him. They also snatched his motor cycle. He prayed for initiation of action.”

Learned counsel for the petitioner contends that as per the allegations, the complainant was having dispute with co-accused Kuldeep and the petitioner is stated to be one of the accomplices who allegedly abducted the complainant. Learned counsel for the petitioner contends that the investigation of the case is complete, but the charges have not been framed till date. He prays for bail.

On the other hand, learned counsel for the State assisted by ASI Mahinder Singh has opposed the aforesaid prayer on the ground that the petitioner was one of the accused persons who committed the crime as the vehicle owned by the victim was recovered from him. He submits that the final report was submitted on 5.10.2020, however, the charges are yet to be framed.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer, particularly, when investigation of the case is complete and the trial is likely to take considerable time to conclude, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody since 7.8.2020 and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds

to the satisfaction of the trial Court concerned.

The petition is allowed.

February 18, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No