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

Date of Decision: 21.05.2021

1. CRM-M No.18272 of 2021(O&M)

Sonu

.....Petitioner

Vs

State of Haryana

.....Respondent

2. CRM-M No.18382 of 2021(O&M)

Kamaldeep @ Kamal

.....Petitioner

Vs

State of Haryana

.....Respondent

3. CRM-M No.18538 of 2021(O&M)

Jitender

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rohit Choudhary, Advocate
for the petitioner in CRM-M No.18272 of 2021.

Mr. Deepak Vashishth, Advocate
for the petitioner(s) in CRM-M Nos.18382 and 18538 of
2021.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The cases have been taken up for hearing through video conferencing.

Vide this common order, CRM-M No.18272 of 2021 titled Sonu Vs. State of Haryana, CRM-M No.18382 of 2021 titled Kamaldeep @ Kamal Vs. State of Haryana and CRM-M No.18538 of 2021 titled Jitender Vs. State of Haryana are being disposed of.

Petitioner(s) seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.963 dated 29.12.2020 registered under Sections 147, 149, 323, 367 (added later on after deleting Section 365 IPC) and 506 IPC at Police Station Sadar Bhiwani, District Bhiwani.

The allegations are of kidnapping the complainant by the accused party who had come to see the land of the complainant. The accused took away the complainant in their vehicle and gave beatings to him and snatched the mobile. The accused dropped the complainant at village Umrawat Ka Johar Chapra Ka Johad and gave injuries on his feet with dandas and iron rod.

During investigation, it came to fore that the aforesaid kidnapping was done at the instance of accused Jitender son of Karambir who is in USA. Petitioner was arrested on 18.02.2021. Challan has been presented on 06.04.2021.

Learned counsel for the petitioner(s) submits that the FIR is delayed by 12 hours. Initially the FIR was registered for the offences under Sections 147, 149, 323, 365, 506 IPC but later on offence under Section 365 IPC was deleted and offence under Section 367 IPC was added in its place. Learned counsel further submits that initially injuries on the person of the complainant were found to be simple in nature. On 08.01.2021, the injuries were found to be grievous, attracting the offence under Section 325 IPC. Learned counsel further submits that offence under Section 367 IPC has not been attracted as the victim was never kept for slavery, rather he was released after the occurrence. Co-accused Sinder Singh has been granted interim protection vide order dated 01.04.2021 passed in CRM-M No.14744 of 2021. Accused except Sonu were nominated on the basis of disclosure statement.

Per contra, learned State counsel opposed the bail on the ground that after finding the injury to be grievous, offence under Section 367 IPC was added in place of offence under Section 365 IPC.

I have heard learned counsel for the parties.

Challan has been presented. Petitioner(s) is/are in custody since 18.02.2021.

Keeping in view the status of the case and the situation arising out of COVID-19 Pandemic, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, petitions are allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

21.05.2021	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No