

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23920-2021 (O&M)

Date of Decision:-2.7.2021

Naresh Kumar @ Niku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Alok Mittal, Advocate for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana,
assisted by DSP Dharambir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.14 dated 11.1.2021 at Police Station Sadar Jind, Haryana under Sections 365, 395, 120-B of Indian Penal Code and Section 25/54/59 of Arms Act.
2. The FIR was lodged at the instance of Siyashat Singh Bola, wherein it is alleged that he runs a rice sheller and that Naresh Kumar works as a dealer of rice. On 7.1.2021 both of them started for Delhi to purchase rice in the swift car of Naresh Kumar. The complainant had taken an amount of ₹20 lakhs with him regarding which only Naresh Kumar knew. The complainant

alleged that Naresh Kumar somehow spent a lot of time on the way in Hansi and infact wasted time intentionally. Subsequently, Naresh Kumar said that he has to attend to some work in Jind and accordingly they went towards Jind. While they were on their way their car was blocked by another vehicle from which some armed persons got down and they assaulted the complainant and took the amount of ₹20 lakhs and made him forcibly sit in the vehicle. It is alleged that Naresh Kumar also sat in the said vehicle and said that the face of the complainant be covered with a cloth and accordingly one of the masked persons wrapped a blanket on the complainant. The complainant alleged that later he came to know that Naresh Kumar was fully involved with those persons, who had later dropped him at an isolated place. Naresh Kumar also issued threats to him that in case he approached the police he would be eliminated.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity would be evident from the fact that while the occurrence is stated to have taken place on 7.1.2021, the FIR came to be lodged belatedly on 11.1.2021. It has further been submitted that infact it is a case where there were some business transactions between the complainant and the petitioner and on account of certain dispute, he has been falsely implicated in the instant case.
4. Opposing the petition, learned State counsel has submitted that the petitioner is the main conspirator and since he is not only specifically named in the FIR but the allegations as disclosed in the FIR clearly show that it was at his behest that the entire crime was committed, the petitioner does not deserve any concession of bail as his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind

bars since the last more than 5 months and that he is not involved in any other case. It has further been informed that till date not even a single PW out of the cited 15 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly the fact that investigation already stands concluded and that the petitioner has been behind bars since the last more than 5 months and the trial is likely to consume time as not even a single PW out of the cited 15 PWs has been examined so far and while also noticing that the petitioner is not even stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

2.7.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No