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

Date of decision-01.10.2021

1. CRM-M-39900-2021 (O&M)

Gaurav

....Petitioner

Vs.

State of Haryana and others

...Respondents

2. CRM-M-37872-2021 (O&M)

Sandeep

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravinder Phogat, Advocate for the petitioner
in CRM-M-39900-2021.

Mr. Ashwani Bhardwaj, Advocate for the petitioner
in CRM-M-37872-2021.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

CRM-31375-2021

Application is allowed as prayed for.

Annexure P-7 is taken on record.

Main cases

Petitioners have filed these separate petitions under Section
439 Cr.P.C for grant of regular bail pending trial in case FIR No.142
dated 18.06.2021 under Sections 34 and 365 Indian Penal Code, 1860

(Sections 147, 149, 323, 342 and 367 IPC added later on) registered at Police Station Sadar Dadri, District Charkhi Dadri, Haryana. Petitioner-Gaurav is in custody since his arrest on 03.07.2021, whereas petitioner-Sandeep is in custody since 18.06.2021.

The contents of the FIR as noticed by the Additional Sessions Judge, Charkhi Dadri in his order dated 17.09.2021 (in CRM-M-39900-2021) are as under:-

“The present case was registered on the statement of complainant Deepak son of Paras, resident of village Mehrana, vide which, he reported that he is an agriculturist. His matrimonial home is village Birhor, District Jhajjar. His brother-in-law Amit son of Rajender, resident of village Birohar was living in a live-in relationship with Gauri wife of Sanjeev at his home in village Mehrana since 15.06.2021. On dated 18.06.2021, he, his wife Sonu and Guari, all had gone to Dadri for shopping and when at around 6.00 P.M., they reached in their house, the doors of the house were found open and Amit was not at home. They inquired in the neighborhood and came to know that 10-12 men and women had come on two-three vehicles and they kidnapped his brotherin- law Amit forcibly. Gauri’s brother Gaurav told him telephonically that he alongwith Gauri’s husband and others abducted Amit. He asked that if he brings Gauri with him, then they would release Amit. Request was made for taking legal action against them.”

Learned counsel for the petitioners have argued that

complainant has falsely implicated the petitioners for abducting his brother-in-law Amit, who was residing in live-in relationship with Gauri wife of co-accused-Sanjeev and sister of accused Gaurav. According to him, both Amit and Gauri are still residing together and the father of the petitioner-Gaurav, who was also a co-accused, has expired in prison and his mother is not keeping good health. It is further pointed out that petitioner-Sandeep was implicated in this case on the ground that the vehicle used in crime was being driven by him. Learned counsel submits that the investigation of the case is complete, therefore, petitioners be released on bail.

On the other hand, prayer is opposed by learned State counsel assisted by ASI Vikram Singh on the ground that the offences are serious, however, it is not disputed that the final report was filed on 18.08.2021 and the charges are yet to be framed. He on instructions further states that the petitioners are not involved in any other case and the co-accused of the petitioner Rahul has already been released on bail.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioners, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as charges are yet to be framed and as the petitioners are not involved in any other case, therefore, their further detention behind the bars may not serve any useful purpose, who are presently confined in judicial custody and co-accused of the

petitioners has already been released on bail. Besides, the material witnesses are police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

01.10.2021

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No