

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

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(1)

CRM-M-35373-2020

Date of decision: 22.02.2021

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

(2)

CRM-M-38695-2020

Kajal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Tarunveer Vashist, Advocate
for the petitioner in CRM-M-35373-2020.

Mr. Yashveer Kharb, Advocate
for the petitioner in CRM-M-38695-2020.

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.)

Petitioner-**Amit** has filed **CRM-M-35373-2020** under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.504 dated 13.07.2019 registered under Sections 323, 364-A, 420, 468, 471, 506 and 120-B of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Model Town, Panipat to which Section 25 of the Arms Act, 1959 was added lateron while petitioner-**Kajal** has filed **CRM-M-38695-2020** under Section 439 of the Cr.P.C. for grant of regular bail in case FIR No.504 dated 13.07.2019 registered under Sections 120-B, 323, 364-A, 467, 468, 471 and 506 read with Section 34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Model Town, Panipat.

The above said FIR was registered on written complaint of Naresh Kumar Aghi. In his complaint Naresh Kumar Aghi alleged that on 12.07.2019 at about 08:45 P.M.-09:00 P.M. in the night he was going in his car to his farm. When he reached near the wine shop, one I-20 Car came with five persons which stopped in front of his car. He was made to sit in I-20 Car. His mobile phone was taken away. One of the boys started driving his car towards Panipat and I-20 Car followed his car. They demanded amount of Rs.20 lakhs threatening to kill him if the amount was not given. When his son Chirag Aghi called him they demanded ransom of Rs.20 lakhs from him. His son placed the amount of Rs.20 lakhs at the designated place near Mukesh General Store and thereafter as per their instructions picked him up along with his phone and car from Apex Green White Lily Building nearly Murthal. Pursuant to registration of the FIR, the police investigated the case and filed charge-sheet against the petitioners.

The petitioners, being in custody since the date of their arrest, have filed the present petitions for grant of regular bail.

The petitions have been opposed by the respondent-State in terms of replies filed by way of affidavit of Sandeep Singh, HPS, Deputy Superintendent of Police, Traffic, Panipat.

I have heard arguments addressed by learned Counsel for the petitioners and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioners have submitted that the petitioners have been falsely implicated in the present case. The

petitioners were not named in the FIR. No test identification parade was got conducted for their identification. No incriminating material was recovered from the petitioners. The amounts in question were falsely shown to have been recovered from the petitioners. In their statements before the Court, complainant Naresh Kumar Aghi and his son Chirag Aghi did not support the case of the prosecution and did not identify the petitioners to be the persons involved in the alleged crime. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioners are accused of having committed heinous offences. The amount of Rs.1 lakh was recovered from petitioner-Amit while amount of Rs.2 lakhs was recovered from petitioner-Kajal. In view of the nature of accusation and gravity of the offences, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, statements of complainant Naresh Kumar Aghi and his son Chirag Aghi and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

Accordingly, the petitions are allowed and the petitioners are 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.

22.02.2021

(ARUN KUMAR TYAGI)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No