

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

103

**CRM-M-39111-2020
Date of decision: 28.05.2021**

Ram NathPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Nirmal Singh, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

Mr. Deepak Sharma, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition 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.465 dated 05.09.2019 registered under Section 365 of the Indian Penal Code, 1860 (for short, 'the IPC') at Police Station Ambala Cantt., District Ambala to which Sections 364A and 120B of the IPC were added lateron.

As per the prosecution version Jahid Khan made written complaint to SHO, Police Station Ambala Cantt. regarding abduction of his brother Jaffar Iqbal Khan who is employed as SDO Public Health, Naraingarh. During investigation, victim-Jaffar Iqbal Khan was recovered and his statement was got recorded under Section 164 of the Cr.P.C. On the basis of secret information accused Roshan Ali and Ram Nath (the petitioner) were arrested and were identified by the victim-Jaffar Iqbal Khan during test identification parade. The police investigated the case and on completion of investigation filed charge-sheet against the petitioner and co-accused Roshan Ali, Sharafat Ali @

Sethi, Parvinder Kaur @ Rimpi, Veena @ Rajji and Sultan Ahmad.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Sh. Ram Kumar, HPS, Deputy Superintendent of Police, Ambala Cantt in the Registry which is taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR and was arrested on the basis of disclosure statement of co-accused with ulterior motive. On completion of investigation charge-sheet was filed and only one prosecution witness has been examined so far. Co-accused Sultan Ahmad has been granted regular bail by this Court vide order dated 30.04.2021 and co-accused Veena @ Rajji and Roshan Ali, Sharafat Ali and Parvinder Kaur @ Rimpny have been granted regular bail by learned Additional Sessions Judge, Ambala vide orders dated 10.05.2021, 17.05.2021 and 24.05.2021 respectively. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioner is the main leader of the gang which includes some women who allure the victims. The petitioner along with his co-accused Roshan Ali and Sharafat Ali abducted victim-Jaffar Iqbal Khan for ransom. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity with co-

accused Sultan Ahmad who has been granted regular bail by this Court vide order dated 30.04.2021 and Veena @ Rajji and Roshan Ali, Sharafat Ali and Parvinder Kaur @ Rimpay who have been granted regular bail by learned Additional Sessions Judge, Ambala vide orders dated 10.05.2021, 17.05.2021 and 24.05.2021 respectively and also 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 petitioner.

In view of the above, the petition is allowed and the petitioner is 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.

28.05.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No