

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

105

CRM-M-40067-2020.

Date of Decision: 26.10.2021.

Mankirtan

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. D.S. Virk, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Mankirtan** in case FIR No.113 dated 08.08.2018 under Section 365 IPC and Section 25 of Arms Act (Sections 180, 379-A, 384, 385, 388, 389, 420, 467, 468, 471 and 506 IPC added lateron), registered at Police Station Ding, District Sirsa.

Status report dated 23.10.2021 by way of affidavit of Dr. Arpit Jain, IPS, Superintendent of Police, Sirsa, alongwith Annexures R/1 and R/2, already filed on behalf of respondent-State, is taken on record.

Apart from above, status report dated 19.10.2021 has been received from Trial Court, in terms of which, testimonies of prosecution witnesses namely Dalip Kumar (complainant) and Dishant (victim) have already been recorded on 18.10.2021.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted and there is no iota of truth therein. He further urges that petitioner was not named in the FIR, whereas name of petitioner surfaced in the array of accused on the basis of disclosure statements rendered by co-accused namely Arpan, Gurmeet Singh and Lakhwinder Singh @ Soni. He further submits that allegedly petitioner alongwith co-accused kidnapped Dishant and then they made video of said Dishant in naked condition and further threatened him that in case he (Dishant) does not make payment of Rs.10 Lakhs then above said video would be uploaded on internet. He further submits that co-accused namely Arpan, Gurmeet Singh and Lakhwinder Singh @ Soni have already been released on bail by Sessions Court, vide orders dated 05.12.2018 and 23.01.2019 (Annexures P/2 and P/3) respectively. He further submits that petitioner is languishing in custody since 17.10.2020 and he is no more required by the Investigating Agency for investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented against him in Court on 15.01.2021. He further submits that testimonies of material prosecution witnesses namely Dalip Kumar (complainant) and Dishant (victim) have already been recorded on 18.10.2021. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 17.10.2020; that petitioner is no more required by the Investigating Agency for investigation purpose as after completion of investigation final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court; that testimonies of material prosecution witnesses namely Dalip Kumar (complainant) and Dishant (victim) have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Mankirtan** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa, as the case may be.

(LALIT BATRA)
JUDGE

26.10.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No