

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

211

CRM-M-52963-2021 (O&M)

Date of Decision: 22.12.2021

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Harsh Bhargava, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Pritam.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.203 dated 28.05.2021 at Police Station Beri, District Jhajjar, under Sections 186/307/332/353/34 IPC and Section 25 of the Arms Act.
2. As per the case of the prosecution, the police received information to the effect that the petitioner alongwith Rahul had kidnapped Satish son of Hari Govind and they were going in a white coloured Swift Dzire car bearing registration No.DL-6CR-8387. Pursuant to receipt of said information, barricading was laid. It is alleged that when the car in question was noticed by the police party and was signaled to stop, its driver (petitioner) took the car towards the police party with an intention to kill them. However, the members of the police party saved themselves by moving aside. It is further

alleged that the other boy sitting on the left side of the car fired towards the police party with an intention to kill them, but in response thereto the police personnel also fired in the air in self-defence. It is alleged that the kidnapped boy was thrown out of the moving car.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the manner of occurrence, as alleged by the complainant, does not appeal to reason inasmuch as in case the petitioner and co-accused had kidnapped Satish, then he would not have been allowed to sit alone on the rear seat and that there was no reason even for the accused to have thrown him out of the car.
4. Opposing the petition, learned State counsel has submitted that since the car in question was recovered on the intervening night of 28/29.05.2021 and a mobile phone of the petitioner was also recovered from the car, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that none is stated to have been injured either on account of the accused having made an attempt to ram their car into the barricades and into the police party or even on account of the shot allegedly fired by the accused and while also noticing that the petitioner has been behind bars for a substantial

period of about 5 months and the petitioner is not even stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

22.12.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**