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

CRM-M-6461-2022

Date of Decision: 21.02.2022

Onkar Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sunil Agnihotri, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0255 dated 18.12.2021 registered under Sections 363 & 365 IPC at Police Station Dasuya, District Hoshiarpur.

Learned counsel for the petitioner has submitted that the petitioner is in custody, since 18.12.2021 and investigation of the present case has already been completed and thereafter challan has also been presented before the Competent Court under Section 173 of the Cr.P.C. He further submitted that the allegations were against the wife of the petitioner that she was allegedly sitting along with the complainant in the hospital and thereafter the complainant handed over her small male child to the wife of the petitioner so that she could buy some clothes from the market and thereafter the allegation of kidnapping against the wife of the petitioner was made. He also

submitted that so far as the present petition is concerned, there is no role of the petitioner in the present case nor his name has been mentioned in the FIR. He further submitted that be that as it may, the petitioner does not have any criminal background and rather the daughter of the petitioner is having three daughters and is a respectable man. He also submitted that the child is with the complainant and the trial of the case would take a long time, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. R.S Thind, learned Deputy Advocate General, Punjab has submitted that a baby boy was recovered from the house of the petitioner and so far as the antecedents of the petitioner is concerned, the petitioner is not involved in any other case and investigation of the case is already complete and challan has also been presented before the competent Court.

I have heard learned counsel for the parties. The investigation in the present case is complete. As per the learned State Counsel, the petitioner is not involved in any other case. As per the allegations, the wife of the petitioner had kidnapped the child, who was recovered on the same day and now the child is with the complainant. Since, the trial of the case would take a long time and therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the

purpose of decision of present petition.

21.02.2022

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned:
- Yes
2. Whether reportable:
- Yes/No