

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

221

CRM-M-7819-2022

Date of Decision : **March 02, 2022**

SALITA DEVI AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. K.S.Dhanora, Advocate
for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.120 dated 16.6.2021 under Sections 364-A, 120-B IPC, registered at Police Station Babain, District Kurukshetara.

It has been submitted by the learned counsel for the petitioners that as per the allegations contained in the FIR which was lodged on the basis of one complaint made by one Dhirender Kumar that his nephew, namely, Ritesh has been kidnapped and the persons, who had kidnapped him, were making calls and demanding Rs.40,000/- so that he may be released. He submitted that the entire FIR was a concocted story and the petitioner No.1 is in custody from 16.6.2021 and petitioner No.2 is in custody from 24.6.2021 which is more than 8 months and the investigation of the case has already been completed and the material

prosecution witnesses have already been examined. He further submitted that the complainant, namely, Dhirender Kumar as well as the person, namely, Ritesh who had been allegedly kidnapped, have deposed before the learned trial Court as prosecution witnesses and they have stated that no such incident took place and they have been declared hostile.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner No.1 is in custody from 16.6.2021 and petitioner No.2 is in custody from 24.6.2021 and the material witnesses have been examined who have turned hostile. However, one private witness, namely, Dashrath remains to be examined.

I have heard the learned counsels for the parties.

In the present case, the allegations against the petitioners are of kidnapping and the complaint was lodged by one Dhirender Kumar but as per learned counsel for the parties, the aforesaid Dhirender Kumar has already turned hostile and has denied the incident and so far as the person, namely, Ritesh, who had allegedly been kidnapped, is concerned, he has also turned hostile and he has also denied the incident. The petitioner No.1 is in custody from 16.6.2021 and petitioner No.2 is in custody from 24.6.2021. The trial of the case may take more time.

In view of the aforesaid facts and circumstances, this Court is of the considered view that both the petitioners are entitled for the grant of regular bail.

Consequently, the present petition is allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial

Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

March 02, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No