

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

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**CRM-M-11475-2022
Date of decision: 21.04.2022**

MUKESH KUMAR @ PANDIT

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Mohit Kakkar, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. by the petitioner for seeking concession of regular bail in case bearing FIR No. 544 dated 31.12.2021 under Sections 171, 364-A, 379-A, 389, 420, 506 and 120-B of the IPC registered at Police Station Pinjore, District Panchkula.

2. Learned counsel appearing on behalf of the petitioner submits that as per the case of the prosecution, the complainant namely Manju wife of Dharma Singh had submitted a complaint alleging therein that on 28.12.2021 and 29.12.2021 she was informed by Dildar Singh that his friend Amrik Singh had come out on parole, upon which she asked Dildar Singh not to bring him to her house and arrange a room in a hotel. On 29.12.2021, Dildar Singh's friend Amrik reached at a room in a hotel at Pinjore at about 12:15 A.M. Dildar Singh came back to the house of complainant at about 4:00 A.M. in the morning. He

received a phone call from Amrik whereupon Dildar Singh went on the Aactiva belonging to the complainant. Thereafter, Amrik made a telephone call on the phone number of the complainant and said that Dildar Singh has already been abducted and that they are from Narcotic Department and that in case she wants Dildar Singh to get free then a sum of Rs.5,00,000/- has to be paid. It is submitted that owing to the said pressure and threat extended, the said person took away Rs.1,50,000/- in cash and other jewelery items.

3. Learned counsel contends that the story of the prosecution is improbable and does not inspire confidence. He further referred to the submission that even after the occurrence the complainant has made a telephone call to Amrik through WhatsApp and deposited Rs.15,000/- in his account and on 30.12.2021, Amrik came to her house and stated that he returned the gold chain which is alleged to be spurious. He further submits that gold chain is recovered from the petitioner as the investigation in the case is complete and continued detention of the petitioner is not likely to advance any interest of justice.

4. Mr. Ashish Yadav, Additional A.G. Haryana has not disputed the factual aspects that the petitioner does not have any criminal antecedents and is not involved in any other case. The charge in the case has not been framed so far and prosecution evidence is yet to commence. Conclusion of the trial is likely to take a long time.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. In view of the circumstances, taking into consideration, the

actual period of custody already undergone by the petitioner, the stage of investigation as well as age and clean antecedents of the petitioner and the fact that the trial is not progressing, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 21, 2022
vishal sharma

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