

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15979-2022

DATE OF DECISION: MAY 11, 2022

SUMIT @ SONU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VINOD GHAI, SR. ADVOCATE
WITH MR. EDWARD AUGUSTINE GEORGE,
FOR THE PETITIONER.

MR. SUKHDEEP PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.401, dated 31.8.2016, under Section 387 IPC (Section 216, 364A, 511, 120-B IPC, Section 25 Arms Act, added later on) Police Station City Kaithal, District Kaithal, who is in custody since his arrest on 26.8.2021.

The allegations contained in the FIR (Annexure P-1) are as under:-

“In service of SHO Sir PS City Kaithal, Sir it is requested that I Dr. Rajeev Sood s/o Shri Mahindra Pratap is r/o Agarsen Puram Kaithal and runs Sood Eye Maternity Hospital. On 25 August 2016 at about 05.30 pm, I was sitting at my clinic then two boys came to me and they introduced themselves as Naveen Kavalpuriya and Vijay Pandit and informed that Surendra Gyong and Koshal rsident of Gurgaon had sent us. Naveen put his mobile at my ear and asked me to talk person speaking from other

side told that I am Surrender Gyong speaking and give 20 lakh rupees to these two boys standing in front of you otherwise I will kill you and your family. I replied him that I am not having this much money. Please give me some time then he told that my boys would come after some days, give them money. If you don't give money or inform Police then it would not be good for you and I will kill you and your family. Due this phone I got scared and did not inform anyone. Today I am giving you this information. Sd/- Rajiv Sood, Eye Maternity Hospital, Pehowa Chowk, Kaithal.”

Learned counsel for the petitioner has argued that as per complainant Dr. Rajiv Sood, two persons, namely, Naveen Kavalpuriya and Vijay Pandit contacted him and demanded money at the instance of co-accused Surrender Gyong and Kaushal and the FIR was registered in August, 2016 for the alleged commission of offence of extortion. He further submits that upon the arrest of the said accused, the petitioner was implicated for the alleged offence punishable under Section 216 IPC, i.e. for harbouring the co-accused who was released on bail vide order dated 28.11.2016. He submits that later on during trial proceedings, the petitioner absented himself and has been re-arrested on 26.8.2021. Learned Senior counsel has submitted that the complainant has already been examined as PW1 who has been declared hostile and considering the said fact, this Court also released co-accused namely, Virender @ Binder on regular bail vide order dated 14.1.2020. He has produced the copy of the said order. He prays for bail.

On the other hand, learned State counsel assisted by ASI Rajesh Kumar while opposing the aforesaid prayer has argued that the petitioner is

involved in other cases also including FIR No.1337 dated 30.12.2017, under Section 149, 216, 302, 120-B IPC, Police Station Panipat City, and after his absence in the present trial, the proceedings under Section 82 Cr.P.C. were initiated, whereupon he was declared as Proclaimed Offender vide order dated 27.7.2018. He further states that the trial is nearing its completion as 19 prosecution witnesses have already been examined out of total 22 witnesses. However, it is not disputed that accused Virender @ Binder who was implicated for the alleged offence has already been released on bail.

Considering the above background, the custody of the petitioner, and the fact that similarly situated co-accused of the petitioner has already been released on regular bail, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 11, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No