

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

214

CRM-M-22600-2022 (O&M)

Date of decision: 27.05.2022

VISHAL KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

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

Present : Mr. Puneet Verma, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional AG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure 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 Indian Penal Code, 1860 registered at Police Station Pinjore, District Panchkula.

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 Acura 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 Control 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.

Learned counsel contends that the story of the prosecution is improbable and does not inspire confidence. He further referred to the allegation that even after the alleged 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 is stated to have come to her house and returned the gold chain which is alleged to be spurious. He further submits that gold chain has been recovered from the co-accused of the petitioner. The investigation in the case is complete and continued detention of the petitioner is not likely to advance any interest of justice. He further submits that as per disclosure statement recorded by the investigating agency only a sum of Rs.5,000/- is claimed to have been recovered from the petitioner who is alleged to have injured with Amrik. However, the said amount cannot be linked with the commission of the offence.

Mr. Ashish Yadav, Additional AG Haryana submits that the recovery of Rs.5,000/- has been effected from the petitioner and that his case is at variance with the co-accused to whom the concession of regular bail has been granted by this Court vide order dated 21.04.2022 passed in CRM-M-11475-2022. He further submits that the petitioner is involved in 03 other cases that were registered against him. It has been submitted by the learned State counsel that 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.

Controverting the aforesaid submissions advanced by the learned

State counsel, learned counsel for the petitioner submits that there is only 01 case pending against the petitioner and other 02 cases have been finally adjudicated by the competent Court and he already stands acquitted. He submits that insofar as the present case is concerned, his merit should be taken into consideration on the strength of the attribution leveled against him. Since the concession has already been extended to similarly placed person in the present case, the said concession ought not be denied to the petitioner.

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

In view of the circumstances, taking into consideration, the fact that the petitioner has been in custody since 04.01.2022, the stage of investigation as well as 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.

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.

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.

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

May 27, 2022

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*