

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23053-2022 (O&M)
Date of Decision:-13.9.2022

Sunil Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana,
assisted by ASI Inder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.173 dated 19.3.2022, Police Station Adampur, District Hisar, under Sections 364-A, 34 of Indian Penal Code, wherein offences under Section 120-B of Indian Penal Code and Sections 25, 54 and 59 of Arms Act were added later on.
2. At the time of issuance of notice of motion, the following order was passed on 25.5.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.173 dated 19.3.2022, Police Station Adampur, District Hisar, under Sections 364-A, 34 of Indian Penal Code, wherein offences under

Section 120-B of Indian Penal Code and Sections 25, 54 and 59 of Arms Act were added later on.

The FIR was lodged at the instance of Sunil, wherein it is alleged that on 19.3.2022, he alongwith his cousin Sunder had gone to Shyaam Car Wash Station for getting their car washed and that while he was present at the service station, Sunder went to a nearby Ganesh Tent House. It is alleged that shortly thereafter a white coloured Honda Car stopped near him and 1 unknown person, who was sitting in the car, asked him about the whereabouts of Sunder and he disclosed that Sunder had gone to the nearby Ganesh Tent House. It is further stated therein that the said persons then called Sunder from the said shop and took him away in his car. It is alleged that later at about 2:30 p.m. Sunder's younger brother Sunil received a call from Sunder disclosing that he had been kidnapped by Surjeet Dhayal's men and the phone was switched off immediately thereafter. Later at about 4:15 p.m., another call was received on the mobile phone of Sunder's brother and ransom was demanded by the caller while holding out a threat that in case the same is not paid, Sunder would be eliminated.

Learned counsel for the petitioner submitted that even as per the case of prosecution, the petitioner is not amongst the persons, who had kidnapped Sunder and has been nominated on the basis of a disclosure statement made by one Ravi, who stated that the petitioner had facilitated the escape of remaining accused from the place of occurrence by leading the way out, while driving his motorcycle ahead of the car of co-accused in which Sunder had been kidnapped. Learned counsel submits that the aforesaid disclosure statement has apparently been concocted by the police and that the place of occurrence was not such, where the car had to be led by some other vehicle, as is alleged in the disclosure statement.

Notice of motion for 13.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Inder Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. Learned State counsel has informed that the motorcycle used in the occurrence has been recovered from the petitioner. It has, however, been informed that the petitioner stands involved in one more case registered for offence under NDPS Act.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 25.5.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

13.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No