

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

228

CRM-M-25483-2022

Date of Decision : **August 29, 2022**

SUNIL @ RAJA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ashwani Talwar, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, 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 petitioner in case FIR No.69 dated 19.2.2021 under Sections 34, 364-A, 386, 506 IPC subsequently Sections 25, 29 of Arms Act, 1959 and Sections 109 and 120-B IPC have been added, registered at Police Station Hisar Civil Lines.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 8.3.2021 which is almost 1½ years. He submitted that after the investigation of the case, the challan was presented before the competent Court and thereafter the trial commenced. He further submitted that during the course of trial, the complainant and the other material witnesses did not depose before the Court despite the fact that for about 7 effective dates bailable warrants were issued against them and till date they have not appeared. He

submitted that co-accused, namely, Bindusar was granted bail vide CRM-M-8523-2022 on 26.4.2022 and on perusal of the order Annexure P-15 by which the co-accused was granted bail would show that even at that point of time three times bailable warrants were issued against them and thereafter for a number of time they were summoned but they did not appear. He further submitted that as per the allegations the dispute was between one Sanjay Gupta @ Sanjay Mittal and Bindusar and so far as per the present petitioner is concerned, the allegations against him are that he was a mediator but infact it is a case where nobody had abducted any one and as per the prosecution an amount of Rs.10 lacs was recovered from the other co-accused, namely, Satish. He submitted that be that as it may, the complainant and the other witnesses are not deliberately coming forward for deposing before the Court and consequently the trial itself is being delayed and has submitted that the petitioner is on better footings as that of co-accused, namely, Bindusar who has been granted bail. He further submitted that the petitioner is not involved in any other case and he has clean antecedents.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody for 1½ years and the charges in the present case were framed on 30.9.2021 and three witnesses have been examined. However, the complainant, namely, Rahul and the other person, namely, Sanjay Gupta @ Sanjay Mittal who was allegedly abducted have not come to the Court for deposition. He has, however, opposed the grant of bail to the petitioner on the ground that there was a recovery of one revolver and some cartridges from the petitioner. He

further submitted that it is correct that the petitioner is not involved in any other case.

I have heard the learned counsels for the parties.

The petitioner has faced incarceration for 1½ years. The material witnesses have not deposed before the Court despite the fact that they have been summoned throughailable warrants for a number of time. The petitioner is stated to be not involved in any other case. The other co-accused, namely, Bindusar, who is stated to be one of the main accused has been granted bail vide Annexure P-15 and as per the learned State counsel, no recovery is to be effected from the petitioner.

In view of the aforesaid facts and circumstances of the present case. the present petition is allowed. The petitioner is 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.

August 29, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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