

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

CRM-M-28072-2022 (O&M)

Date of decision: 29.09.2022

Mukesh Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Baljeet Beniwal, Advocate for the petitioners.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 28 dated 09.02.2022, registered under Sections 148, 149, 186, 332, 342, 353, 365, 379-B IPC, at Police Station Nangal Chaudhary, District Mahendergarh.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case; that the petitioners are not the owner of the truck, which was apprehended by the RTA staff; that nothing is to be recovered from the petitioners; that Sudhir Pehalwan, allegedly kidnapped by the petitioners, was found on the same day, which clearly shows that the petitioners have never kidnapped him; that there is no other pending or decided case against the petitioners and that the petitioners have been in custody since 10.02.2022 and 09.02.2022, respectively.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioners have actively participated in the kidnapping of Sudhir Pehalwan, who was with the RTA staff to tow the vehicles stopped by RTA staff. However, he does not dispute the custody period of the petitioners and the fact that there is no other case against the petitioners. He submits that out of 16 prosecution witnesses, 06 have been examined.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 10.02.2022 and 09.02.2022, respectively. The petitioners are not the owners of the truck, which was apprehended by the RTA staff. Moreover, there is no other case against the petitioners. Remaining 10 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

29.09.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No